

**Official Minutes of
MARION COUNTY
BOARD OF COUNTY COMMISSIONERS**

January 17, 2017

CALL TO ORDER:

The Marion County Board of County Commissioners met in regular session in Commission Chambers at 9:02 a.m. on Tuesday, January 17, 2017 at the Marion County Governmental Complex located in Ocala, Florida.

INVOCATION AND PLEDGE OF ALLEGIANCE:

The meeting opened with invocation by Commissioner Moore and the Pledge of Allegiance to the Flag of our Country.

9:00 AM ROLL CALL:

Upon roll call the following members were present: Chairman Carl Zalak, District 4; Vice-Chairman Kathy Bryant, District 2; Commissioner David Moore, District 1; Commissioner Jeff Gold, District 3; and Commissioner Michelle Stone, District 5. Also present were Clerk David R. Ellspermann, County Attorney Matthew G. Minter and County Administrator Mounir Bouyounes.

ANNOUNCEMENTS:

Chairman Zalak addressed upcoming scheduled meetings as listed on the Commission Calendar (Item 12C).

1. PROCLAMATIONS/PRESENTATIONS/RESOLUTIONS:

Upon motion of Commissioner Bryant, seconded by Commissioner Moore, the Board approved and/or ratified the following:

1A. PROCLAMATION - Human Trafficking Awareness Month - Joelle Aboytes, Circuit 5 Community Development Administrator (Approval and Presentation)

The Board presented the Proclamation designating the month of January, 2017 as "Human Trafficking Awareness Month" to Supervisor Quan Thomas, Department of Children and Families (DCF); Dawn Westgate, Director of Kimberly's Center; Victim's Advocate Supervisor Donna Guinn, Ocala Police Department (OPD); and Detective John Lightle, Marion County Sheriff's Office (MCSO).

Detective Lightle thanked the Board for helping raise awareness for this epidemic that is going on not only locally, but nationwide and throughout the world. He addressed the complexity of human trafficking cases, which can cross jurisdictional lines.

1B. PROCLAMATION - Horses in the Sun Day - Tom Struzzieri, President & CEO of HITS, Inc. (Approval and Presentation)

The Board presented the Proclamation designating January 17, 2017 as "Horses in the Sun Day" to Technical Director Jerry Dougherty, Horses in the Sun (HITS), Inc.

Mr. Dougherty thanked the Board of County Commissioners (BCC) and the Ocala/Marion County Visitors Convention Bureau (VCB) for their support, noting it has been a great partnership. He noted many HITS competitors have fallen in love with the community and made Marion County their home.

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1C. PROCLAMATION - Golden Spoon Award Day, La Cuisine French Restaurant -
Patrice and Elodie Perron, Owners/Operators (Approval and Presentation)

The Board presented the Proclamation designating January 17, 2017 as "Golden Spoon Award Day" to Patrice and Elodie Perron, Owners/Operators, La Cuisine French Restaurant.

Elodie Perron thanked the BCC for the recognition and stated it is an honor to be awarded the Proclamation. He advised that La Cuisine has been opened in Marion County for 7 years, noting the greatest gift is that he and his family are now a part of the community.

1D. PROCLAMATION - Golden Spoon Award Day, Sky Asian Fusion – Danny Gaekwad, Owner/Operator (Approval and Presentation)

Chairman Zalak advised that the recipient will be arriving shortly and the Board will address this item at that time.

1E. PROCLAMATION - Hospitality Sales and Marketing Association International's (HSMAI) Adrian Day - Danny Gaekwad, Chairman of Tourist Development Council and Loretta Shaffer, Tourist Development Director (Approval and Presentation)

Chairman Zalak advised that the recipient will be arriving shortly and the Board will address this item at that time.

1F. PROCLAMATION - School Choice Week (Approval Only)

The Board approved Proclamation designating the week of January 22 through 28, 2017 as "School Choice Week".

1G. PROCLAMATION - Six Gun Territory Reunion and Wild West Weekend (Approval Only)

The Board approved Proclamation designating the first weekend in February, 2017 as "Six Gun Territory Reunion and Wild West Weekend".

1H. PROCLAMATION - Eagle Scout Kelton Michael Wilemon (Approval Only)

The Board approved the Proclamation congratulating Kelton Michael Wilemon upon attaining the status of Eagle Scout in the Boy Scouts of America organization.

2. GENERAL PUBLIC ITEMS: All members of the public wishing to speak during the "General Public" portion of the agenda will be limited to two (2) minutes to make their request or presentation and will be heard following scheduled requests, which are limited to five (5) minutes. For unscheduled requests, public comment request forms are available in the lobby. If the request or matter requires investigation by County staff, the Chairman will refer to staff for follow-up with the person making the request.

2A. General Public Comment (Limited to 2 Minutes Each Speaker):

Ron Raack, SE 131st Place, Ocklawaha, presented a 2 page handout and commented on Constitutional rights. He referred to the handout and noted the first page is a list of questions relating to the governing and oversight of local government and the second page is a copy of the BCC organizational chart. Mr. Raack noted his email address is listed on the handout.

Chairman Zalak directed staff to respond to the questions posed by Mr. Raack.

Roger Knechtel, SE 97th Terrace Road, Summerfield, commented on the salaries of county employees and the increased capital moving to the county. He addressed gas and ad valorem taxes and opined that there has to be more innovative ways to collect revenue. Geoffrey Grassette, SE 54th Circle, advised that he is present today representing Beard Equipment Company, noting the company is expanding its business and recently purchased Highland Tractor Company of Ocala. He expressed concern with a recent Request for Proposal (RFP) issued by the county for a Case Motor Grader (Item 7F11) and noted the company that was awarded the bid is not a local business. Mr. Grassette opined that the quote provided by the other company is not for a new machine and it will not be able to provide parts or service locally.

Chairman Zalak stated the county is purchasing the equipment off the Florida Sheriff's contract and questioned whether Beard Equipment Company is on that contract. Mr. Grassette stated the company is on the contract.

Chairman Zalak noted the Item will be pulled from the Consent Agenda for further discussion.

Henry Munoz, Marion Oaks Boulevard, addressed the county's proposed 2017 State Legislative Priorities (Item 7A1), noting he disagreed with the request to re-appropriate gas tax revenue.

Chairman Zalak clarified that the request is for the State of Florida to index and adjust the amount of fuel tax revenue distributed at the local level to allow for inflation. He advised that indexing local option fuel taxes to annual adjustments of the Consumer Price Index (CPI) will increase revenue over time to help communities keep up with road maintenance.

1D. PROCLAMATION - Golden Spoon Award Day, Sky Asian Fusion – Danny Gaekwad, Owner/Operator (Approval and Presentation)

The Board presented the Proclamation designating January 17, 2017 as "Golden Spoon Award Day" to Danny Gaekwad, Owner/Operator, Sky Asian Fusion.

Mr. Gaekwad stated he is humbled by the award. He advised that he has lived and invested in Marion County for almost 28 years and commented on several upcoming projects.

1E. PROCLAMATION - Hospitality Sales and Marketing Association International's (HSMAI) Adrian Day - Danny Gaekwad, Chairman of Tourist Development Council and Loretta Shaffer, Tourist Development Director (Approval and Presentation)

The Board presented the Proclamation designating the month of January, 2017 as "Hospitality Sales and Marketing Association International's (HSMAI) Adrian Day" to Chairman Danny Gaekwad, Tourist Development Council (TDC) and Tourist Development Executive Director Loretta Shaffer, VCB.

Ms. Shaffer noted this is a very large award for Marion County and the second international marketing award it has received. She expressed her appreciation to the BCC, TDC and other local partners.

Larry Meador, Chief Executive Officer (CEO), Evok Advertising, commented on the importance of social media and the return on investment (ROI) it provides, noting staff is able to measure and track how well and effective it is in regard to bringing tourism to the county. He stated it is a combined effort and noted that the content the community shares across the social media landscape comes directly from its industry partners.

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Mr. Gaekwad stated he is proud to be a part of a team who works day and night to bring tourism to Marion County. He advised that he has spent the past 2 years as a member of Visit Florida and was recently appointed as their new Committee Chairman. Mr. Gaekwad requested citizens reach out and support Visit Florida, which although it is going through many changes and faces new challenges, still helped bring 106,000,000 visitors to the State last year.

In response to Commissioner Bryant, Ms. Shaffer advised that in the past several years tourism revenues have tripled with close to \$1,000,000,000 in direct and indirect economic impact.

3. ADOPT THE FOLLOWING MINUTES: (5 sets)

- 3A. December 6, 2016**
- 3B. December 14, 2016 A**
- 3C. December 14, 2016 B**
- 3D. December 19, 2016**
- 3E. December 20, 2016**

A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to adopt the meeting minutes of December 6, 14 (2 sets), 19 and 20, 2016. The motion was unanimously approved by the Board (5-0).

4. CONSTITUTIONAL OFFICERS / GOVERNMENTAL ENTITIES: None.

5. CLERK OF THE CIRCUIT COURT:

5A. Request Adoption of the Following Budget Amendment Resolutions:

Upon motion of Commissioner Bryant, seconded by Commissioner Moore, the Board adopted the following Budget Amendment Resolutions transferring funds as presented by Clerk Ellspermann:

- 5A1. 17-R-002 – General Fund - County Administrator - \$12,800**
- 5A2. 17-R-003 – General Fund - Sheriff Emergency Management - \$14,426**
- 5A3. 17-R-004 – General Fund - Sheriff Jail - \$17,097**
- 5A4. 17-R-005 – Infrastructure Surtax Capital Projects Fund - Infrastructure Surtax-Emerg Comm - \$7,694,627**
- 5A5. 17-R-006 – MSTU for Law Enforcement - Sheriff Patrol & CID - \$46,780**
- 5A6. 17-R-007 – MSTU for Law Enforcement - Sheriff Patrol & CID - \$39,621**
- 5A7. 17-R-008 – MSTU for Law Enforcement - Sheriff Patrol & CID - \$37,738**
- 5A8. 17-R-009 – MSTU for Law Enforcement - Sheriff Patrol & CID - \$67,843**
- 5A9. Parks and Recreation Fees Fund - Parks & Recreation Fees - \$184,264 was pulled for discussion with Agenda Item 7E1**

(Ed. Note: MSTU is the acronym for Municipal Service Taxing Unit; and CID is the acronym for Criminal Investigation Division.)

7. CONSENT: A motion to approve the Consent Agenda is a motion to approve all recommended actions. All matters on the Consent Agenda are considered routine and will be enacted by one motion. There will be no separate discussion unless desired by a Commissioner.

Upon motion of Commissioner Moore, seconded by Commissioner Bryant, the Board acted on the Consent Agenda as follows:

7A. Administration:

7A1. Request Approval of Proposed 2017 State Legislative Priorities (Budget Impact - None)

The Board accepted the following recommendation as presented by Assistant County Administrator (ACA) Jeannie Rickman, Administration:

Description/Background: The board held its legislative workshop on Monday, December 19, 2016, wherein a number of key issues were presented for discussion and consideration to determine the county's 2017 state legislative priorities. By consensus of the board, staff is recommending the top three legislative priorities as follows: 1) Funding to support the initial phase to build a Veterans Nursing Home; 2) Discretionary Sales Surtax Initiative and Modification of the Charter County and Regional Transportation Surtax and 3) Funding to support Phase III construction of the Southeastern Livestock Pavilion Master Plan. Of the many key items discussed, the Board expressed their interest to support and advocate funding for the College of Central Florida's proposed Health Sciences Technology Education Center, which is also included in the attached document separate from the three priorities. Finally, several support statements to key topics of interest by the board are included for tracking and monitoring purposes in the event further action is necessitated throughout the legislative process.

Staff recommends approval of the attached 2017 State Legislative priorities, including the key items and support statements referenced above. Upon approval, the legislative priorities will be presented at the Legislative Delegation meeting scheduled for Thursday, January 19, 2017.

Budget/Impact: None.

Recommended Action: Motion to approve the 2017 State Legislative Priorities and Supporting Statements.

County Administrator Mounir Bouyouunes clarified that staff will track and monitor all of the other items discussed at the Legislative Priorities workshop.

7B. Airport:

7B1. Request Approval of FDOT Joint Participation Agreement for Design and Construction Administration of Quad Box Hangars (Budget Impact - Revenue of \$61,840)

The Board accepted the following recommendation to adopt Resolution 17-R-010, as presented by Airport Director John Helms:

Description/Background: The attached Joint Participation Agreement, (JPA), provides 80% funding for the design and construction administration of a single metal building divided into four corporate box hangars to include security lighting, one men's restroom, one women's restroom, ramp area, taxilanes and access taxiway. The hangar construction is a revenue producing project that will provide the airport with enclosed storage for up to four turbo-jet or turboprop aircraft.

Budget/Impact: Budget Impact – Neutral; FDOT Maximum participation amount of 80%, not to exceed \$61,840, has been approved in the current fiscal year budget. Total design and construction administration cost of \$77,300 with \$15,460 paid by Airport Authority Funds.

Recommended Action: Motion for approval of the Joint Participation Agreement and Attached Resolution; and Authorization for the Chairman to sign any related supplemental agreements and Clerk to execute the same.

7C. Development Review Committee:

7C1. Request Approval of Development Review Committee (DRC) Waiver Request for Division of Land - LDC 2.16.1.B(8)(g) - Agricultural Lot Split Establishment of County MSBU for Thomas Equels Property, Parcel #41459-002-02, 41459-002-03, 41459-002-05, & 37351-005-00, Project #2016090031, Application #19696, G Sheppard W Dozier
The Board accepted the following recommendation as presented by Growth Services Director Sam Martsolf, on behalf of the DRC:

Description/Background: Section 2.16.1.B(8)(g) of the Land Development Code states a County MSBU shall be established for the maintenance of the improvements created by this division prior to final approval and recordation. A waiver to this provision may only be granted by the Board upon review and recommendation by the DRC. The applicant requests waiver for the establishment of an MSTU. The intent of this section of the Code is to establish a vehicle for the maintenance of improvements created by the division. No improvements are contemplated by the proposed division. If the owners of the lots determine in the future that maintenance or improvements are necessary or desired, creation of a homeowners' association under Chapter 720, Florida Statutes, or in the alternative, the inclusion of appropriate provisions in recorded covenants/maintenance agreement providing for maintenance and/or improvements upon a majority vote of the lot owners and lien rights to secure payment of the sums due from each lot owner, would establish a vehicle for this purpose. This agricultural lot split is located in the southwest portion of the County and contains 7 tracts on 78.33 acres.

DRC action on December 12, 2016, by a vote of 5-0, was to recommend approval to waive the MSBU requirement to be established up front subject to providing for covenants and restrictions that also provide for perpetual maintenance.

Budget/Impact: None.

Recommended Action: Motion to uphold the Development Review Committee's approval to allow the agricultural lot split without the creation of an MSBU for maintenance.

7D. MSTU:

7D1. Request Acceptance of Citrus Park Improvement Area into Warranty Period and Authorization for Chairman to Execute Letter to Contractor (Budget Impact - None)

The Board accepted the following recommendation as presented by MSTU Director Shawn Hubbuck:

Description/Background: The following road improvement project has been completed and received final inspection. In accordance with the contract, this project is under a warranty period of one (1) year. This will continue to be a County maintained road.

PROJECT	BID	ENGINEER	CONTRACTOR	DATE COMPLETED
Citrus Park	16B-130	Radcliffe Eng.	CW Roberts	12/14/16

Budget/Impact: None.

Recommended Action: Motion to accept construction of Citrus Park Improvement Area and authorize Chairman to execute letter advising the contractor of the one (1) year warranty period.

7D2. Request Approval to Accept Petitions from Property Owners - Big Ridge Acres, Plat Book UNR 135 (Budget Impact - None)

The Board accepted the following recommendation as presented by MSTU Director Hubbuck:

Description/Background: Petitions were sent via certified return receipt mail within Big Ridge Acres at the request of the property owners. Those petitions were returned to the Clerk of the Court Internal Audit Department which has provided the following results of the petition count:

Total Property Owners Petitioned:	132
Total Owners Responding Timely:	69
Total Owners Responding in Favor:	38 (55.1 %)
Total Owners Responding Not in Favor:	27 (39.1 %)
Total Owners Responding Invalid:	4 (5.8 %)
Percentage of Property Owners in Favor:	55.1 %

Budget/Impact: None; all costs associated with this proposed road assessment will be shared by the affected property owners within the project boundary.

Recommended Action: Motion to accept the petitions and approve moving forward with the engineering design phase for the Big Ridge Acres Road Improvement project.

7D3. Request Approval to Accept Petitions from Property Owners - Shady Hills Estates - SW 33rd Terrace, Plat Book UNR, Page 265 (Budget Impact - None)

The Board accepted the following recommendation as presented by MSTU Director Hubbuck:

Description/Background: Petitions were sent via certified return receipt mail within Shady Hills Estates – SW 33rd Terrace at the request of the property owners. Those petitions were returned to the Clerk of the Court Internal Audit Department which has provided the following results of the petition count:

Total Property Owners Petitioned:	23
Total Owners Responding Timely:	15
Total Owners Responding in Favor:	9 (60.0 %)
Total Owners Responding Not in Favor:	6 (40.0 %)
Total Owners Responding Invalid:	0 (0.0 %)
Percentage of Property Owners in Favor:	60.0 %

Budget/Impact: None; all costs associated with this proposed road assessment will be shared by the affected property owners within the project boundary.

Recommended Action: Motion to accept the petitions and approve moving forward with the engineering design phase for the Shady Hills Estates – SW 33rd Terrace Road Improvement project.

7D4. Request Acceptance of Turning Hawk Ranch Improvement Area into Warranty Period and Authorization for Chairman to Execute Letter to Contractor (Budget Impact - None)

The Board accepted the following recommendation as presented by MSTU Director Hubbuck:

Description/Background: The following road improvement project has been completed and received final inspection. In accordance with the contract, this

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project is under a warranty period of one (1) year. This will continue to be a County maintained road.

PROJECT	BID	ENGINEER	CONTRACTOR	DATE COMPLETED
Turning Hawk Ranch	16B-122	Davis Dinkins	CW Roberts	12/21/16

Budget/Impact: None.

Recommended Action: Motion to accept construction of Turning Hawk Ranch Improvement Area and authorize Chairman to execute letter advising the contractor of the one (1) year warranty period.

7E. Parks and Recreation:

7E1. Request Approval to Designate Savings from KP Hole Park Improvements to Coehadjoe Park and Salt Springs Civic Park (Budget Impact - Expenditure of \$184,264 from Project Savings)

The Board accepted the following recommendation as presented by Parks Director/Landscape Architect Jim Couillard, PLA, ASLA:

Description/Background: The Parks and Recreation Department has completed improvements at KP Hole Park which included resurfacing of the parking lot, new perimeter and interior fencing and new signage to help improve the visitor experience and crowd management. The Department was able to complete the project earlier this year under budget resulting in a savings of \$184,264.

The Department is requesting to reallocate the savings from the KP Hole Park projects to two parks in order to construct Marion County's first public dedicated pickleball courts. Courts are planned for construction at:

1. Coehadjoe Park will receive four courts with space to expand to eight total courts with a budget of \$140,000.
2. Salt Springs Civic Park will receive one court with space to expand to two total courts with a budget of \$44,264.

Budget/Impact: Expenditure of \$184,264 from Project savings remaining within the Parks and Recreation Fees fund. This item correlates with a budget amendment.

Recommended Action: Motion to authorize the use of project savings from KP Hole Park to fund improvements at Coehadjoe Park and Salt Springs Civic Park.

5A9. General Fund - Cooperative Extension Service - \$17,172

A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to adopt Resolution 17-R-011 transferring \$184,264 from the Parks and Recreation Fees Fund for Parks & Recreation Fees. The motion was unanimously approved by the Board (5-0).

7F. Procurement Services:

7F1. Request Approval of Project Amendment for Additional Construction Manager: 12Q-055-PA-09A Lake County Morgue HVAC Replacement - Stentiford Construction Services, Inc., Ocala, FL (Budget Impact - Neutral: expenditure of \$263,719.54 as approved in FY 16/17 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Susan Olsen:

Description/Background: On April 3, 2012 the Board approved contracts with two (2) additional construction managers (CM), the terms of which allow the County to select a CM depending on area of expertise, capacity, or availability. Facilities Management assigned Lake County Morgue HVAC Replacement to Stentiford Construction Services, Inc.

When Facilities began maintaining the HVAC system at the Lake County Morgue, approximately five (5) years ago, it was not operating properly causing mold growth within the building envelope. Facilities was able to correct the system deficiencies and place the A/C back into operation with the understanding that the entire aging system would need to be replaced within four (4) years.

Pending approval at today's meeting, a copy of the attached contract will be forwarded to the Construction Manager for execution and upon return, be processed for the County Attorney, Clerk and Chairman's signatures.

Budget/Impact: Neutral; expenditure amount not to exceed \$263,719.54.

Recommended Action: Motion to approve recommendation and authorize the Chairman to execute project amendment with Stentiford Construction Inc. for the Lake County Morgue HVAC Replacement.

7F2. Request Approval of Bid Award: 17B-025, Brick City Adventure Park Track and Field Improvements - Pave-Rite, Inc., Lecanto, FL (Budget Impact - Expenditure of \$131,255.25 as approved in FY 16/17 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Parks and Recreation, Procurement re-advertised a bid for track and field improvements at Brick City Adventure Park (BCAP). A pre-bid was held so contractors could see conditions and understand the County's intended scope of work. The subject bid opening was conducted by Carrie Hyde representing Procurement; two (2) firms responded, with Pave-Rite, Inc. submitting the lower overall bid, which included the acceptance of alternate 1, concrete ribbon curb at inside perimeter of running track and alternate 3, geotechnical inspection and certification of track repairs.

Firm Name - City	Base Bid	Alternate 1	Alternate 3
Pave-Rite, Inc. - Lecanto	\$108,107.37	\$21,464.28	\$1,683.60
CW Roberts Contracting, Inc. - Ocala	\$159,996.75	\$26,160.00	\$4,500.00

Parks and Recreation Director, Jim Couillard recommends award to Pave-Rite. The cost exceeds the construction estimate of \$120,000, however information provided by the department indicates sufficient funds are available in the budget from other sources, pending approval of a budget amendment presented at today's meeting. All work is expected to be complete within 60 days. Attached for review is the contract draft; pending approval at today's meeting, it will be forwarded to Pave-Rite, and upon return, will be processed for the County Attorney, Clerk, and Chairman's signatures.

Budget Impact: Neutral: project cost not to exceed \$131,255.25.

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute contract with Pave-Rite, Inc., the lowest responsive, responsible bidder for bid 17B-025 for the BCAP Track and Field Improvements.

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7F3. Request Approval of Bid Award: 17B-044, Rotary Sportsplex Water Service Extension/Installation - Hamlet Underground, LLC, Ocala, FL (Budget Impact - Expenditure of \$54,714 as approved in FY 16/17 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Parks and Recreation, Procurement advertised a bid for a water service connection from the existing Rotary well location to the County's water main across Maricamp Road. A pre-bid was held so contractors could understand the County's intended scope of work. The subject bid opening was conducted by Carrie Hyde representing Procurement; seven (7) firms responded, with Hamlet Underground, LLC submitting the lowest bid. The tabulation appears below:

Firm Name - City	Bid
Hamlet Underground, LLC - Ocala	\$54,714.00
T&C Underground - Ocala	\$64,487.00
GWP Construction, Inc. - Ocala	\$72,997.90
Art Walker Construction, Inc. - Ocala	\$93,020.00
Hartman Civil Construction Co, Inc. - Hernando	\$93,690.00
Pave-Rite, Inc. - Lecanto	withdrew bid
Picketts Construction - Homosassa	withdrew bid

Parks and Recreation Director, Jim Couillard recommends award to the low bidder. The project cost is below the construction estimate of \$70,000. All work is expected to be complete within 31 days. Attached for review is the contract draft; pending approval at today's meeting, it will be forwarded to the contractor, and upon return, will be processed for the County Attorney, Clerk, and Chairman's signatures.

Budget Impact: Project cost not to exceed \$54,714.

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute contract with Hamlet Underground, LLC, the lowest responsive, responsible bidder for bid 17B-044 for the Rotary Sportsplex Water Service Extension/Installation project.

7F4. Request Approval of Bid Award: 16B-177, Irish Acres Water Treatment Plant Improvements - SGS Contracting Services, High Springs, FL (Budget Impact - Expenditure of \$1,874,970 as approved in FY 16/17 budget)

The Board considered the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of Marion County Utilities (MCU), Procurement advertised a bid for improvements to the Irish Acres Water Treatment Plant (WTP). A pre-bid was held so contractors could discuss the scope of work which includes construction of a ground storage tank and high service pump WTP at the existing Irish Acres WTP site. The project includes a high service pump building, four (4) high service pumps with variable frequency drives, a 750,000 gallon ground storage tank, disinfection storage and pumping equipment, backup generator, SCADA system, and modifications to the existing well pumps. The project will improve the level of service and available fire flow for the water systems in the Irish Acres and Ocala Meadows water systems as well as provide for future growth in the area. The subject bid opening was conducted by Carrie Hyde representing

Procurement; four (4) firms responded, with SGS Contracting Services submitting the lowest base bid, and McLauchlin and Company, a Certified Local Vendor, submitting the 2nd lowest bid, with the difference between the two (2) less than ten percent (10%), allowing the firms a Best-and-Final-Offer opportunity. Both firms submitted a lower bid, resulting in the final tabulation below:

Firm Name	Original Bid	BFO
SGS Contracting Services - High Springs	\$1,912,700.00	\$1,874,970.00
McLauchlin & Company - Ocala	\$1,993,032.00	\$1,960,680.00
Commercial Industrial Corp - Ocala	\$2,191,183.50	
Florida Design Contractors - Lake Park	\$2,231,845.00	

A pre-award meeting with the firm's project manager and Procurement and MCU staff was held; Utilities Director, Angel Roussel, recommends award to the low bidder. Attached for review is the contract draft; pending approval at today's meeting, it will be forwarded to the contractor, and upon return, will be processed for the County Attorney, Clerk, and Chairman's signatures.

Budget Impact: Project cost not to exceed \$1,874,970.

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize the Chairman to execute contract with SGS Contracting Services, the lowest responsive, responsible bidder for bid 16B-177.

In response to Commissioner Stone, Utilities Director Angel Roussel advised that the project will upsize the existing Irish Acres WTP, which is a system that is currently not interconnected to other water plants. The original agreement was entered into by the Utility Department in 2012 in order to increase the level of service (LOS) and to provide fire flow to the Ocala Meadows development across the street on Highway 441.

Chairman Zalak clarified that the county originally tried to negotiate a deal with the City of Ocala to buy water in bulk and have them extend their services; however, an agreement could not be reached. He stated the county is trying to add commercial content and commercial accounts to its utility model and this project will help accomplish that long term goal. Mr. Roussel concurred and noted this WTP will service that whole area, not just the Irish Acres development.

Mr. Bouyounes noted the developer also contributed to the cost to upgrade the plant. Mr. Roussel stated that is correct, noting there are components for both the sewer and water side of the project. The county's compromise is to upgrade the WTP in order to provide fire flow sufficient enough for the Irish Acres clubhouse and throughout the rest of the development that does not exist at this time.

Chairman Zalak advised that fire flow plays a major part in enticing commercial development to this corridor.

Commissioner Stone opined that the project should increase property values in the area and provide the county a great return on its investment.

In response to Chairman Zalak, Mr. Roussel advised that the wastewater will go through the Golden Ocala Wastewater Treatment Plant (WWTP), which is linked to all the sewer connections on Highway 326 and Interstate 75 (I-75).

A motion was made by Commissioner Stone, seconded by Commissioner Bryant, to approve and execute the contract, upon approval by Legal, with SGS Contracting Services, Inc. for improvements to the Irish Acres WTP, pursuant to Bid No.16B-177. The motion was unanimously approved by the Board (5-0).

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7F5. Request Approval of Selection Committee Recommendation: 16Q-108, Countywide DRA Mowing Contractor - Picture Perfect Lawn & Landscaping, Inc., Summerfield, FL (Budget Impact - \$492,500 first year as approved in FY 16/17 budget)

The Board considered the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: On behalf of the Office of the County Engineer (OCE), Procurement advertised an RFQ for contractors to mow nearly 2,000 DRAs (approximately 1,970 acres). Five (5) firms responded, with the Selection Committee evaluating and ranking the proposals based on qualifications, then short-listing to Picture Perfect Lawn & Landscaping, Inc. and Southern Lawn Care of Mid Florida, Inc. Both firms hold mowing contracts with the County for other types of services, and are in good standing. Each firm proposed a per acre cost, however Picture Perfect's offer was lower, and after meeting with the County Administrator, Procurement, and OCE staff, they demonstrated the desire and the ability to accept the entire contract. Therefore, it is County Engineer, Tracy Straub's recommendation to contract with Picture Perfect for a three (3) year term through December 31, 2019, with up to five (5) optional one (1) year renewals contingent upon positive annual evaluations and mutual approval. The budget impact for the current year's services is calculated by multiplying five (5) cycles of 1,970 acres at \$50/acre; figures for subsequent years may increase or decrease depending on budget or changing acreage, however the cost per acre will remain consistent. Pending approval at today's meeting, the contract will be sent to Picture Perfect for execution as written, and upon return, will be forwarded for the County Attorney, Clerk, and Chairman's signatures.

Budget/Impact: The estimated annual contract value is \$492,500.

Recommended Action: Motion to approve recommendation and allow staff to issue, and upon approval by Legal, authorize the Chairman to execute contract with Picture Perfect Lawn & Landscaping, Inc. for RFQ 16Q-108, Countywide DRA Mowing.

Commissioner Stone commented on the number of complaints the county receives in regard to litter control, noting the proposed contract has language in it that addresses the issue. She stated mowing cycles will be every 45 days, which may help resolve the matter. Commissioner Stone questioned whether this contract is different from the current agreement.

Chairman Zalak clarified that the contract is for Drainage Retention Areas (DRAs) and not roadsides or county rights-of-way (ROW). Commissioner Stone noted some ROW's are included in the proposed contract. Mr. Bouyounes clarified that if a DRA is adjacent to the roadway then the company will mow the ROW in front of that DRA. He advised that he has met with the contractor who is hiring additional staff and purchasing specialized equipment to provide the service and opined that the company has a clear understanding of the county's expectations.

Commissioner Stone reiterated that there is a problem with litter along roadways and requested citizens and companies with trucks and equipment to please secure their cargo so that it does not fly out of the vehicles and onto the roadside.

General discussion ensued.

Chairman Zalak stated staff will be bringing back a better contract to address roadside mowing.

In response to Commissioner Gold, Chairman Zalak stated Picture Perfect Lawn & Landscaping is not the same contractor that previously mowed county DRA's.

A motion was made by Commissioner Stone, seconded by Commissioner Gold, to approve and execute the contract, upon approval by Legal, with Picture Perfect Lawn & Landscaping, Inc. for countywide DRA mowing, pursuant to RFQ 16Q-108. The motion was unanimously approved by the Board (5-0).

7F6. Request Approval of Task Order for Civil/Site Engineers for Miscellaneous Projects: 15Q-051-TO-42, Rainbow Springs 5th Replat Stormwater Retrofit (CP 71) - Davis Dinkins Engineering, PA, Ocala, FL (Budget Impact - Neutral; expenditure of \$53,472 as approved in FY 16/17 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its May 19, 2015 BCC meeting, the Board approved contracts with ten (10) engineering firms to provide various services for the County under 15Q-051. Firms can be selected based on area of specialty, or on a rotating basis. Davis Dinkins Engineering, PA has been selected to provide engineering design services for the Rainbow Springs 5th Replat Stormwater Retrofit Project (CP 71) which involves converting the bottoms of three (3) Drainage Retention Areas (DRAs) with a Bold and Gold soil amendment. Included in the project will be the evaluation and design of stormwater conveyance systems. A copy of the complete scope of work is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; expenditure shall not exceed \$53,472.

Recommended Action: Motion to approve recommendation and authorize staff to release the purchase order for 15Q-051-TO-42 for the Rainbow Springs 5th Replat Stormwater Retrofit (CP 71).

7F7. Request Approval of Task Order for Civil/Site Engineers for Miscellaneous Projects: 15Q-051-TO-43, Rainbow Springs 5th Replat Stormwater Retrofit (CP-73) - Davis Dinkins Engineering, PA, Ocala, FL (Budget Impact - Neutral; expenditure of \$60,555 as approved in FY 16/17 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its May 19, 2015 BCC meeting, the Board approved contracts with ten (10) engineering firms to provide various services for the County under 15Q-051. Firms can be selected based on area of specialty, or on a rotating basis. Davis Dinkins Engineering, PA has been selected to provide engineering design services for the Rainbow Springs 5th Replat Stormwater Retrofit Project (CP-73) which involves converting the bottoms of five (5) Drainage Retention Areas (DRAs) with a Bold and Gold soil amendment. Included in the project will be the evaluation and design of stormwater conveyance systems. A copy of the scope of work is attached for review and will become part of the project file and backup to the purchase order.

Budget/Impact: Neutral; expenditure shall not exceed \$60,555.

Recommended Action: Motion to approve recommendation and authorize staff to release the purchase order for 15Q-051-TO-43 for the Rainbow Springs 5th Replat Stormwater Retrofit (CP-73).

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7F8. Request Approval of Contract for Prequalified Road/Right-of-Way/Drainage Contractor: 12Q-064-TO-15, Maintenance Project MP-19 SE Hwy 42 Pipe and Swale Restoration - Hamlet Underground, LLC, Ocala, FL (Budget Impact - Neutral; expenditure of \$61,445 as approved in FY 16/17 budget)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: All firms under the prequalified road, right-of-way, and drainage work contract were proposed a detailed task order to clean existing pipes and inlets, installation and replacement of mitered end sections, swale grading, and debris removal. The tabulation below summarizes the offers received:

Company	Base Bid
Hamlet Underground, LLC	\$61,445.00
GWP Construction, Inc.	\$68,281.50
Art Walker Construction, Inc.	\$148,742.00

County Engineer Tracy Straub, PE, requests to award to Hamlet Underground, LLC. Attached for review is the draft contract, including scope of work and fee schedule as Exhibit A. Substantial completion of the project shall be within 45 days. This agenda item is contingent upon approval of contract amendment at today's meeting.

Budget/Impact: Neutral; expenditure shall not exceed \$61,445.

Recommended Action: Motion to approve recommendation and allow staff to issue contract, and upon approval by Legal, authorize Chairman to execute with Hamlet Underground, LLC for the Maintenance Project MP-19 SE Hwy 42 Pipe and Swale Restoration under 12Q-064-TO-15.

7F9. Request Approval of Contract Amendment: 12Q-082-CA-01, Engineering Consulting Services for the Dunnellon Airport: Hoyle, Tanner & Associates, Inc., Oviedo, FL (Budget Impact - None)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its March 20, 2013 meeting, the Board approved a term contract with Hoyle, Tanner & Associates, Inc. (HTA) for engineering consulting services as needed by the County, expiring March 19, 2017. Since its inception, HTA has been assigned five (5) project amendments to provide design and engineering services specific to airport use, and as required by the FAA to comply with the projects' grants fulfillment. A project amendment approved by the Board at its December 20, 2016 meeting is expected to extend beyond the date of the underlying agreement. After its award, and per the County Attorney's Office, an extension to the underlying agreement is required to ensure the original terms and conditions remain in effect while the project amendment is in place. Therefore, attached for review, is the First Amendment, extending the term of the underlying contract until and through the completion of the construction for the Corporate Quad Hangar and Taxiway project (12Q-082-PA-06). No additional task orders or project amendments shall be issued to HTA, and staff will be working to develop a new RFP to replace the expiring contract.

Budget/Impact: None.

Recommended Action: Motion to approve recommendation and allow staff to issue, and upon approval by Legal, authorize the Chairman to execute the First Amendment to Hoyle, Tanner & Associates for Engineering Consulting Services for the Dunnellon Airport under 12Q-082.

7F10. Request Approval of Contract Amendment: 12Q-064, Miscellaneous Road, Right-of-Way, and Drainage Work - Hamlet Underground, LLC and Art Walker Construction, Inc., all Ocala, FL (Budget Impact - None)

The Board accepted the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: At its January 10, 2012 meeting, the Board approved a term contract with five (5) contractors for miscellaneous road, right-of-way, and drainage work needed by the County, expiring January 9, 2017. Since its inception, all firms under the prequalified road, right-of-way, and drainage work contract have been proposed detailed task orders for miscellaneous projects. There are two task orders that have been advertised and are pending award. An extension to the underlying agreement is required to ensure the original terms and conditions remain in effect while the task order is in place. Attached for review, are two amendments extending the term of the underlying contracts until and through the completion of the construction for the two task orders listed below:

Task Order	Company
12Q-064-TO-15 Maintenance Project MP-19 SE Hwy 42 Pipe and Swale Restoration	Hamlet Underground, LLC
12Q-064-TO-16 Pavement Repairs on SE Highway 464	Art Walker Construction, Inc.

No additional task orders or project amendments shall be issued to Hamlet Underground, LLC or Art Walker Construction, Inc. and staff will be working to develop a new RFQ to replace the expired contract.

Budget/Impact: None.

Recommended Action: Motion to approve recommendation and allow staff to issue, and upon approval by Legal, authorize the Chairman to execute the amendments to Hamlet Underground, LLC and Art Walker Construction, Inc. for miscellaneous road, right-of-way, and drainage projects.

7F11. Request Approval of Purchases Over \$50,000

The Board considered the following recommendation as presented by Procurement Services Director Olsen:

Description/Background: The items listed below have been received by Procurement Services for approval and payment in conformance with the Procurement Code/Manual:

Requisition # 1700550/Trekker Tractor, LLC – The Office of the County Engineer is requesting approval to purchase (1) Case Motor Grader, Model #845B, to include upgrade, front scarifier with support and cylinder, Michelin 17.5 x 25 (425mm) (14"3 PC rim), lower wiper/washers, front and rear piping implement, and cloth pneumatics seats. Florida Sheriffs Contract # FSA 16-VEH14.0. The total purchase amount of \$187,000 will come from account #4120-564101.

Requisition # 1700556/Altec industries, Inc. – The Office of the County Engineer is requesting approval to purchase one (1) Articulating Telescopic Aerial Device

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(Bucket Truck), to include four (4) point strobe system, 120v GFCI receptacle, rubber wheel chocks and holders, engine start/stop with secondary stowage system, 2016 unit body, 1500 watt pure sine wave inverter, 2016 Ford F550, and single two (2) man aluminum platform. NJPA Contract # 031014-ALT. The total purchase amount of \$126,000 will come from account #4110-564101.

Recommended Action: Motion to approve purchases over \$50,000.

In response to Chairman Zalak, Procurement Services Director Susan Olsen addressed Requisition #1700550/Trekker Tractor, LLC regarding the acquisition of 1 Case Motor Grader, noting the purchase will go through the Florida Sheriffs Contract #FSA 16-VEH14.0. She clarified that the Florida Sheriff's Association bids throughout the State of Florida, which provides the county with a discount from those larger numbers. Ms. Olsen stated staff checked and could not find Beard Equipment Company on the state's list of authorized dealers; however, the company may be listed under John Deere.

In response to Chairman Zalak, Fleet Director Brian Hing advised that this specific piece of equipment is equivalent to a John Deere Grader; however, it costs \$15,000 less than the John Deere model and comes with a 3 year, full "bumper to bumper" warranty, including an oil and filter maintenance package. This particular grader is being utilized by other counties and makes for a financially strong purchase.

Chairman Zalak questioned the cost for maintenance and stocking of parts after the 3 year warranty expires. Mr. Hing stated the grader has a Cummins engine, which is standard equipment for the Fleet Department. He advised that the department does not have the programming to support the other company's brand of equipment, noting the Fleet Department recently expended \$8,000 to upgrade its equipment to support and service Cummins and CAT systems.

In response to Commissioner Gold, Geoffrey Grassette, Beard Equipment Company, advised that the business bids under the name Nortrax, which is the company that bids John Deere equipment for the State of Florida under the Florida Sheriff's Association contract. He clarified that Beard Equipment is a John Deere dealer and allowed to bid through the contract for their purposes.

Chairman Zalak questioned if the county purchased a John Deere tractor off the Florida Sheriff's contract and it came through Nortrax, would Beard Equipment receive a part of the sale. Mr. Grassette advised that Nortrax bids the contract and then the tractor or other equipment comes through his dealership, which delivers and services the equipment.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve all items on the list of purchases over \$50,000 as recommended by staff. The motion was unanimously approved by the Board (5-0).

7G. Solid Waste:

7G1. Request Approval of the Florida Department of Environmental Protection (FDEP) Agreement No. S0946 for the Purposes of Establishing a Hazardous Waste Cooperative Collection Arrangement with Sumter County (Budget Impact - None)

The Board accepted the following recommendation as presented by Solid Waste Director Mike Sims:

Description/Background: The attached FDEP Agreement No. S0946 establishes the arrangement for a State of Florida grant to reimburse Marion County for hosting two (2) hazardous waste cooperative collection events for Sumter County residents and small businesses during FY17. On December 3, 2013 the Marion County Commission entered into a revised inter-local agreement with Sumter

County, agreeing that Marion County would host two (2) planned collection events scheduled during the fiscal year, providing Sumter County residents and small businesses an opportunity to properly dispose of hazardous waste.

Approval of the attached agreement with FDEP will provide reimbursement up to 75% for the collection and disposal costs incurred by Marion as the host county. Sumter County is obligated under the terms of the 2013 inter-local agreement to reimburse the remaining costs. Reimbursable costs include advertisements, labor, supplies, on-site packaging, transportation and proper disposal of collected hazardous waste.

Budget/Impact: None.

Recommended Action: Motion to approve FDEP Agreement No. S0946 for the purposes of establishing a hazardous waste cooperative arrangement with Sumter County in order to support two (2) FY17 hazardous waste cooperative collection events.

7H. Tourist Development

7H1. Request Approval of Funding Program Guidelines for Sports Events, Special Events, and Community Events and Approval of Community Event Funding Request Application and Contract (Budget Impact - None)

The Board accepted the following recommendation as presented by Tourist Development Executive Director Loretta Shaffer, VCB:

Description/Background: The attached Community Event Funding Program Guidelines and Funding Request Application, as well as the revised funding scale for the Special and Sports Events Program Guidelines were presented to and approved by the Tourist Development Council (TDC) on November 17, 2016.

At the October 13, 2016 TDC meeting the council directed staff to modify the funding scale for the Special Events Program as well as the creation of a Community Event Funding Program to incubate events that could potentially create long-term economic impact for the community. Through the process of updating all the programs, the County Attorney recommended a contract be associated with each funding program. At the November 17, 2016 TDC meeting the council further made the recommendation to adopt the Community Event Funding Program and present it to the Board of County Commissioners (BCC) for final ratification. The County Attorney's office worked with the Visitors and Convention Bureau staff to make all the programs consistent approving the final contract on December 27, 2016 for consideration by the BCC before implementation.

Budget/Impact: None.

Recommended Action: Motion to approve Funding Program Guidelines for Sports Events, Special Events, and Community Events and approval of Community Event Funding Request Application, as presented.

7I. Transportation - County Engineer:

7I1. Request Approval of a Purchase Agreement and Right Of Way Deed for a Portion of Parcel ID 13177-000-00 Associated with the Future Widening of NW 44th Avenue between NW 63rd Street and SR 326 (Budget Impact - Neutral: expenditure of \$110,000.00 plus closing cost)

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The Board accepted the following recommendation as presented by County Engineer Tracy Straub, Office of the County Engineer (OCE):

Description/Background: This is a request to approve a Purchase Agreement and Right of Way Deed in the amount of \$110,000.00 plus closing costs for 75 feet of additional right of way from Parcel ID 13177-000-00. This is advanced acquisition for the future widening of NW 44th Avenue between NW 63rd Street to State Road 326.

Budget/Impact: Land Acquisition – Right of Way Easements 4190 – 561301 - \$110,000.00.

Recommended Action: Motion to approve the attached purchase agreement and deed and to authorize the Chair and Clerk to execute the same.

7I2. Request Approval of Indemnification Agreement for On Top of the World Avalon Phase 4 Subdivision (Budget Impact - None)

The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: The County Attorney has reviewed and approved the Indemnification Agreement request for 9 individual building permits. This subdivision is located in the southwest portion of the County and contains 98 lots and 6 tracts on 69.58 acres with 1.12 miles of private road.

Budget/Impact: None.

Recommended Action: Motion to approve the attached Indemnification Agreement and authorize the Chair and Clerk to execute the same.

7I3. Request Approval of a New Lease between Marion County and the City of Ocala for use of a City Municipal Fire Station (Budget Impact - Neutral; expenditure of \$7,200 as approved in the FY 16-17 budget)

The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to approve a "Lease of Portion of Fire Station" between Marion County and the City of Ocala for use of a City Municipal Fire Station located at 5220 SW 50th Court, Ocala, FL 34474. Marion County will have use of designated areas as a satellite location for providing emergency medical services. The initial term of the lease is for three (3) years, automatically renewing thereafter and the rental rate is six hundred (\$600) per month. Due to holiday schedules the lease will be presented to the City Council and the Board of County Commissioners at simultaneous meetings, but has been approved by the County Attorney's Office subject to City approval and execution.

Budget Impact: Emergency Medical Services - Rentals & Leases - Buildings - 000001-3355-544401 - \$7,200.

Recommended Action: Motion to approve the lease between Marion County and the City of Ocala subject to approval and execution by the City and to authorize the Chair and Clerk to execute the same.

7I4. Request Approval to Declare Parcel #02368-000-01 as Surplus and Authorize Staff to Proceed with the Sale (Budget Impact - Revenue of \$1,000)

The Board accepted the following recommendation as presented by County Engineer Straub, OCE:

Description/Background: This is a request to declare Parcel #02368-000-01 as surplus and approve the Sale and Purchase Agreement and F.S. 125 Deed between Marion County and Jimmy L. Tucker, Jr. in the amount of \$1,000 plus closing costs. This parcel was acquired as a Tax Deed and Staff recommends approval of this Bid.

Budget/Impact: Sale of Surplus Land - 000001 – 0001 - 36400022 - \$1,000.

Recommended Action: Motion to approve the request to declare Parcel #02368-000-01 as surplus, approve the Sale and Purchase Agreement and Deed and authorize the Chair and Clerk to execute the same.

8. COUNTY ATTORNEY: NONE

9. COUNTY ADMINISTRATOR:

9A. Administrative Updates

County Administrator Bouyouunes advised that he has several updates this morning.

UPDATE: Mr. Bouyouunes requested the Board's permission to move Item 13A1 up at this time.

13A1. Present Notification of the Appointment of Cheryl Martin as Marion County's Community Services Director

Mr. Bouyouunes introduced Ms. Cheryl Martin as the county's selection to be the next Community Services Director.

Ms. Martin stated she is grateful for the opportunity and is looking forward to working with the county, noting she has previously worked for Marion County. She advised that she currently works as the Reinvestment Manager for the City of Ocala and has worked with community development for the past 5 years.

UPDATE: Information Technologies (IT) Director Tom Northey provided a brief update relating to a cyber-security risk called ransomware, which is a denial of access that attacks and can encrypt computers, programs and files and forces you to pay a fee to unlock the computer in order to get your data back. He advised that the county has had a couple of isolated incidents of this that were addressed and cleaned up. Staff is working with vendors to ensure it is aware of emerging technologies that can help address these threats. Mr. Northey stated staff may bring the matter forward at a later date to request purchasing software that can address and/or prevent malware occurrences. Staff is blocking additional email attachments, which allows the opportunity for those threats to enter the system. He noted education is the best defense and advised of a program called Nobe4, which the county subscribes to that includes education, videos and training. Mr. Northey stated the IT Department is also sending out simulated fishing attacks and if an employee falls victim to that it advises them that it is a simulation only; however, if the same employee repeatedly opens those attachments, then more remedial training will be required. He addressed other procedures to disassociate data from the computer servers to ensure the backup material is on tape should the whole network become compromised. Commissioner Bryant commented on ransomware, noting it is not just government agencies having this issue and suggested the county make an educational video as a public service announcement (PSA) to bring awareness to citizens.

Chairman Zalak suggested the county form a partnership with the Ocala/Marion County Chamber and Economic Partnership (CEP), and the MCSO to address the matter.

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Clerk Ellspermann suggested all Constitutional Officers be included.

UPDATE: Public Relations & Communications Director Nick Zoller, Office of Public Information, gave a brief overview of the latest County Connection newsletter and advised that those wishing to receive the twice-monthly email can sign up on the County website at www.marioncountyfl.org or by using the sign-up list in the lobby of the auditorium.

Mr. Zoller commented on the economic incentives recently approved by the BCC for Chewy, Inc., which is a company that is proposing to create 114 new jobs and investing more than \$31,000,000 in Marion County.

Commissioner Bryant left her seat at 10:02 a.m., but did not leave the auditorium and immediately returned to her seat.

Mr. Zoller commented on the upcoming "Run for the Springs", noting Commissioner Stone will address the event later in the meeting.

Mr. Bouyounes referred to Chewy, Inc., and clarified that the number of jobs as part of the company's Qualified Target Industry (QTI) requirement is 114; however, the total number of potential jobs that could be created is almost 600.

6. PUBLIC HEARINGS (Request Proof of Publication) at 10:00 am: Public participation is encouraged. When prompted, please step up to the podium and state your name and address for the record. Please limit your comments to the specific issue being addressed.

6A. PUBLIC HEARING - To Consider Approval and Adoption of the Annual Update to the Marion County Comprehensive Plan Capital Improvements Element (CIE) for the Five-Year Schedule of Capital Improvements for FY 2016-2017 through FY 2020-2021

Growth Services Director Sam Martsolf presented the following recommendation:

Description/Background: Florida Statutes Section 163.3177(3) requires the county to annually maintain a Schedule of Capital Improvements (Schedule) as part of the Capital Improvements Element (CIE) of the Comprehensive Plan. The CIE Schedule contains projects for facilities and services with a Comprehensive Plan adopted Level of Service (LOS) standard which includes the following: Potable Water, Sanitary Sewer, Transportation, Solid Waste, Stormwater (drainage), Public School Facilities, and Recreation and Open Space. The items contained within the proposed CIE Schedule reflect the County's corresponding, and most recently adopted, departmental capital improvement plans and those of other related agencies performing such activities within Marion County (e.g., Transportation Planning Organization, etc.). This annual update must be approved by the Board, but is no longer required to be a formal Comprehensive Plan Amendment that must be reviewed by the Department of Economic Opportunity.

Budget/Impact: None.

Recommended Action: Motion to approve the ordinance adopting the annual update to the Capital Improvements Element of the Marion County Comprehensive Plan for the Five-Year Schedule of Capital Improvements for FY 2016-2017 through FY 2020-2021.

Deputy Clerk Windberg presented Proof of Publication of a display ad entitled, "Notice of Annual CIE Update Marion County Comprehensive Plan" published in the Star Banner newspaper on December 27, 2016. The Notice states the Board will consider adoption of an Ordinance updating the Annual CIE for fiscal year (FY) 2016-2017 through FY 2020-2021.

Chairman Zalak clarified for those in attendance that as part of the BCC's duties, Florida Statutes (FS) Section 163.3177(3) requires the county to annually maintain a Schedule of Capital Improvements as part of the CIE of the Comprehensive Plan.

Strategic Resources Project Manager Kevin Smith, Growth Services Department, advised that the purpose of the CIE amendment is to identify capital improvements needed to implement the Comprehensive Plan by ensuring the LOS standards are achieved and maintained for concurrency related facilities and services. Data for this update has been assembled from several documents including the Marion County Transportation Improvement Program (TIP), Marion County School Board Capital Plan, as well as the adopted Marion County Capital Improvements Program (CIP). This update replaces the previously adopted CIE. Due to the 2011 Amendments to the Legislation through its statutes, the CIE update is no longer required to be submitted to the State of Florida's land planning agency and may be adopted by approval of a local Ordinance.

Chairman Zalak stated Chapter 125, FS, empowers the BCC to prepare and enforce the Comprehensive Plan for development of the County. Sections 163.3161 through 163.3215, relating to the County Planning Act, requires the BCC to plan for the county's future and growth, adopt and amend the Comprehensive Plan or the elements portion thereof, to guide future growth and development of the county by implementing, adopting and amending the Comprehensive Plan through adoption of the land development regulations and to establish, support and maintain the administrative instruments to produce and carryout the provisions and purposes of the Act.

Chairman Zalak opened the floor to public comment.

There being none, Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Ordinance 17-01 relating to CIE for FY 2016-2017 through 2020-2021. The motion was unanimously approved by the Board (5-0).

Ordinance 17-01 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA, PROVIDING FOR FINDINGS; ADOPTING THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT (CIE) OF THE MARION COUNTY COMPREHENSIVE PLAN, PURSUANT TO SECTION 163.3177(3), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

9B. Request Approval of First Amendment to Agreement Regarding Utilities Covenant
Utilities Director Angel Roussel presented the following recommendation:

Description/Background: At the December 20, 2016 meeting of the Board of County Commissioners, under Agenda Item 9C, the Board considered a request for approval of option to buyback utility credits under agreement between Justin Albright, Edgewood II, Edgewood, and Marion County at a 50% discount (see Exhibit 1, attached hereto). At that time, the Board approved Option A from the two choices presented to the Board. County Administrator Bouyounes advised the Board that an agreement would be presented to the Board in furtherance of the Board's selection of Option A.

Presented herewith is the First Amendment to Agreement Regarding Utilities Covenant (see Exhibit 2, attached hereto) that has been negotiated between the parties and approved by the County Attorney. As has been previously explained, the County's obligations to purchase the discounted utility credits for

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\$2,027,812.50, is conditioned upon, and subject to, the State of Florida closing on its purchase of the approximately 465 acre tract known as the Wagner tract. It is expected that the State will close on this transaction before the end of the current State fiscal year. If that closing does not occur, the obligations of the parties to this First Amendment will be governed by the prior July 7, 2015 agreement.

Budget/Impact: \$2,027,812.50 to be funded from the Marion County Utility Department funds.

Recommended Action: Motion to approve First Amendment to Agreement Regarding Utilities Covenant.

Mr. Bouyounes advised that the Item relates to an existing agreement to buyback utility credits from the developer, noting at its last meeting the BCC approved the purchase of the credits at a 50% discount. He clarified that the agreement is subject to the State of Florida closing on the subject property, noting if that fails, then the county will revert back to the original 2015 agreement.

County Attorney Minter recommended that if the Board moves forward and approves the request, that the motion include: 1) a finding of a special local purpose in this transaction in consideration of the significant benefit to Marion County for the State to acquire the 465 acres of land; and 2) that approval of this agreement will not; therefore, be a precedent for future requests to the county to assign utility credits outside of the service area of the plan for which the credits were originally granted.

Chairman Zalak clarified that the Board is not allowing the developer to transfer the credits, but rather the county is purchasing them. He advised that the subject property connects the state forest and possible portions of Silver Springs, noting it is part of the strategic plan for the Cross Florida Trails. Chairman Zalak stated the property is proposed to be purchased by the State of Florida and maintained by the county.

Mr. Roussel clarified that the county does not want to set a precedence in regard to buying back credits from a developer.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve and execute the First Amendment relating to Utilities Covenant with Justin Albright, as Trustee of the NE Assets Trust, under Land Trust Agreement Dated July 18, 2005, Edgewood Ocala II, LLC and Edgewood Ocala, LLC; by finding of a special local purpose to Marion County in this transaction, with the understanding that approval of this Item does not set a precedence for the future buyback of credits. The motion was unanimously approved by the Board (5-0).

10. COMMITTEE ITEMS:

10A. Well Florida Council - Request Approval to Advertise for One (1) Member for a Full Term

Executive Assistant Nadja M. Griffis, Commission Office, presented the following recommendation:

Description/Background: The Well Florida Council has a full term designated as a "health care provider" ending in January 2017 and the current member has elected not to re-apply. Per the Well Florida Council bylaws, "a provider of health care is an individual who delivers health services or who is a member of an organization that delivers health services, including but not limited to medical doctors, osteopathic physicians, dentists, podiatrists, nurses, chiropractors, physicians assistants, dental assistants, mental health professionals and other allied health professionals, administrators and employees of health care facilities and members

of the governing bodies of health care institutions". A request for appointment will be brought back for consideration once qualified applicants are received.

Budget/Impact: None.

Recommended Action: Motion to approve advertisement for one full term, designated as a health care provider, for the Well Florida Council.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve advertising vacancy. The motion was unanimously approved by the Board (5-0).

10B. Marion Oaks MSTU for General Services Advisory Council - Request Appointment of One (1) Full Member for an Unexpired Term

Executive Assistant Griffis, Commission Office, presented the following recommendation:

Description/Background: There is currently one vacancy on the Marion Oaks MSTU for General Services Advisory Council with a term set to expire in March 2018. There have been two applicants for this vacancy:

- Frank Brandao – retired
- John Myers – retired

Budget/Impact: None.

Recommended Action: Motion to appoint either Mr. Brandao or Mr. Myers to the Marion Oaks MSTU for General Services Advisory Council for an unexpired term ending in March 2018.

Clerk Ellspermann announced the results of the Commissioners' ballots for the Marion Oaks MSTU for General Services Advisory Council.

A motion was made by Commissioner Moore, seconded by Commissioner Stone, to appoint Frank Brandao as a member of the Marion Oaks MSTU for General Services Advisory Council. The motion was unanimously approved by the Board (5-0).

10C. Silver Springs Shores Special Taxing District Advisory Council – Request Appointment of One (1) Full Member for an Unexpired Term

Executive Assistant Griffis, Commission Office, presented the following recommendation:

Description/Background: There is one vacancy on the Silver Springs Shores Special Taxing District Advisory Council for an unexpired term ending November 2018. There has been one applicant for this position:

- Deena Fiorello – Catering manager, Marion County School Board

Budget/Impact: None.

Recommended Action: Motion to appoint Ms. Fiorello to the Silver Springs Shores Special Taxing District Advisory Council to an unexpired term ending in November 2018.

Clerk Ellspermann advised that the applicant received the appropriate votes.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to appoint Deena Fiorello as a member of the Silver Springs Shores Special Taxing District Advisory Council. The motion was unanimously approved by the Board (5-0).

11. NOTATION FOR ACTION:

11A. Request to Reschedule Workshop to Discuss Development of an Ordinance Setting Standards for the Placement of a Medical Marijuana Dispensary in Marion County from Friday, January 20, 2017 at 2:00 p.m. to Tuesday, February 7, 2017 at 2:00 p.m.

The Board considered the following recommendation from Growth Services Director Sam Martsolf:

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Description/Background: On Tuesday, November 8, 2016 a referendum to expand the legal cultivation and dispensing of Medical Marijuana passed in the State of Florida. On November 15, 2016, the Board adopted a 180 day moratorium on locating a medical marijuana dispensary in Marion County. On December 6, 2016 the Board scheduled a workshop for Friday, January 20, 2017 at 2:00 p.m. to discuss the development of regulations establishing accommodations for the safe and appropriate placement of a medical marijuana dispensary in the County.

The State of Florida has since scheduled an educational workshop for local governments regarding the State's Medical Marijuana Program for February 4, 2017. County staff will participate in the State's workshop and, as such, staff is requesting to reschedule the January 20th workshop to Tuesday, February 7, 2017, at 2:00 p.m. Rescheduling the workshop will allow staff to incorporate information received at the state's workshop into the Board's workshop information and materials.

Budget/Impact: None.

Recommended Action: Motion to reschedule the Board workshop for the placement of a medical marijuana dispensary in Marion County from Friday, January 20, 2017 at 2:00 p.m. to Tuesday, February 7, 2017 at 2:00 p.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Gold, to reschedule the Board workshop for the placement of a medical marijuana dispensary in Marion County from Friday, January 20, 2017 at 2:00 p.m. to Tuesday, February 7, 2017 at 2:00 p.m.

Commissioner Bryant advised that the reason for rescheduling the workshop is to allow the Florida Association of Counties (FAC) to hold its educational summit relating to this matter on February 4, 2017, noting it might provide important information the Board may want to consider and discuss at its own workshop.

The motion was unanimously approved by the Board (5-0).

11B. Request Approval to Schedule a Workshop to Discuss Regional Solid Waste Authority and Transfer Station's RFPs on Friday, February 17, 2017 at 9:30 a.m. in the Growth Services Training Room

The Board considered the following recommendation from Solid Waste Director Mike Sims:

Description/Background: Staff is requesting a workshop to discuss Regional Solid Waste Authority and Transfer Station's RFPs.

Budget/Impact: None.

Recommended Action: Motion to approve the referenced workshop for Friday, February 17, 2017 at 9:30 a.m. in the Growth Services Training Room.

Mr. Bouyounes advised of a conflict in date and time for Items 11B and 11C and provided 2 alternate dates for consideration. He noted the auditorium is unavailable on those alternate dates, so the workshop will be held at the Growth Services Training Room.

A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to schedule a workshop on Monday, February 13, 2017 at 10:00 a.m. in the Growth Services Training Room to discuss Regional Solid Waste Authority and Transfer Station's Requests for Proposals (RFPs). The motion was unanimously approved by the Board (5-0).

(Ed. Note: This item was again discussed later in the meeting.)

11C. Request Approval to Schedule a Workshop to Discuss Springs Protection Including: Septic Abatement, and Basin Management Action Plan (BMAP) on Friday, February 17, 2017 at 10:00 a.m. or Immediately Following Previously Scheduled Workshop in the Growth Services Training Room

The Board considered the following recommendation from Utilities Director Angel Roussel:

Description/Background: Staff is requesting a workshop to discuss springs protection including: Septic Abatement, and Basin Management Action Plan (BMAP).

Budget/Impact: None.

Recommended Action: Motion to approve the referenced workshop for Friday, February 17, 2017 at 10:00 a.m. or Immediately Following Previously Scheduled Workshop in the Growth Services Training Room.

A motion was made by Commissioner Moore, seconded by Commissioner Bryant, to schedule a workshop on Monday, February 13, 2017 at 10:00 a.m. or immediately following the previously scheduled workshop in the Growth Services Training Room to discuss springs protection. The motion was unanimously approved by the Board (5-0). (Ed. Note: This item was again discussed later in the meeting.)

11D. Request Approval to Schedule and Advertise a Public Hearing to Consider a Termination Order & Agreement for the Stonecrest (formerly known as Floridian Club Estates) Development of Regional Impact (DRI) pursuant to Section 380.06, F.S., on Tuesday, February 21, 2017, at 10:00 a.m.

The Board considered the following recommendation from Growth Services Director Sam Martsolf:

Description/Background: The Developer of the Stonecrest DRI has submitted a proposed Stonecrest DRI Termination Order & Agreement to close out the overall DRI project and end the general DRI monitoring obligations for the project. The Developer proposes that the project is substantially built-out as platting of the overall property is complete; all subdivision infrastructure is substantially complete and place; the final residential units are now under development; and only "platted" commercial properties remain to be developed using existing commercial entitlements as authorized by the Stonecrest DRI Development Order.

Section 380.06, F.S., provides for the termination of projects' DRI status to reflect that the project is essentially built-out and reflect that the amount development to be completed is a minimal percentage of the project's overall development entitlements (e.g., units, square footage, and/or area) and will not likely create any additional unforeseen impacts as development continues and any potential issues are addressed by suitable agreements between affected parties.

It is anticipated that the Board of County Commissioners may consider the Stonecrest DRI Termination Order & Agreement in a public hearing held during one of its regularly scheduled meetings.

Budget/Impact: None.

Recommended Action: Motion to schedule and advertise a public hearing to consider the Stonecrest DRI Termination Order & Agreement on Tuesday, February 21, 2017, at 10:00 a.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to advertise and schedule a public hearing on Tuesday, February 21, 2017, at 10:00 a.m. to

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consider the Stonecrest Development of Regional Impact (DRI) Termination Order & Agreement. The motion was unanimously approved by the Board (5-0).

11E. Request Approval and Adoption of a Resolution to Declare a Public Hearing Date for Consideration of a Road Closure Petition Associated with SE 59th Avenue, Located in Silver Springs Estates, on Tuesday, February 21, 2017 at 2:00 p.m. or as Soon Thereafter as Possible

The Board considered the following recommendation from County Engineer Tracy Straub, OCE:

Description/Background: This is a request for Board adoption and execution of a resolution declaring that a Public Hearing be held to consider a petition presented by Gertrudis De Groen to close and abandon a certain portion of SE 59th Avenue, located in Silver Springs Estates, Plat Book 'S' Page 128-134, and renounce and disclaim any right of the County and the Public.

Budget Impact: Revenue of \$500 – Transportation - Road Closing - 105000-34190012.

Recommended Action: Motion to approve and adopt the resolution declaring a Public Hearing date to consider closing a certain portion of SE 59th Avenue on February 21, 2017 at 2:00 p.m., or as soon thereafter as possible, and to authorize the Chair and Clerk to execute the same.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Resolution 17-R-012 scheduling a public hearing on Tuesday, February 21, 2017 at 2:00 p.m. to consider closing a certain portion of SE 59th Avenue located in Silver Springs Estates. The motion was unanimously approved by the Board (5-0).

11F. Request Approval to Schedule a Workshop to Discuss the SW 49th Avenue, South Phase Preliminary Engineering Project and Public Meeting Materials on Thursday, February 23, 2017 at 10:00 a.m.

The Board considered the following recommendation from County Engineer Tracy Straub, OCE:

Description/Background: The Office of the County Engineer is requesting to schedule a workshop on Thursday, February 23, 2017 at 10:00 a.m. to provide the Board of County Commissioners:

- A progress update of the work underway by Kimley-Horn in preparation for their Preliminary Engineering Report of the SW 49th Avenue, South Phase (from Marion Oaks Manor to Marion Oaks Trail) project.
- A review of the materials to be presented at the Public Meeting which is tentatively scheduled for March 23, 2017 at the Marion Oaks Community Center from 5:30pm to 7:00 p.m.

Budget/Impact: None.

Recommended Action: Motion to approve the referenced workshop for Thursday, February 23, 2017 at 10:00 a.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule a workshop on Thursday, February 23, 2017 at 10:00 a.m. to discuss the SW 49th Avenue, South Phase Preliminary Engineering Project. The motion was unanimously approved by the Board (5-0).

11G. Request Approval to Schedule a Workshop to Discuss Utility Capital Improvement Program on Thursday, February 23, 2017 at 10:00 a.m. or Immediately Following Previously Scheduled Workshop or on Alternate Date of Monday, February 20, 2017 at 10:00 a.m.

The Board considered the following recommendation from Utilities Director Angel Roussel:

Description/Background: Marion County Utility Department maintains a running 5-year Capital Improvement Program (CIP). Currently, staff is in the process of reviewing and updating the CIP based on current project needs and construction costs. The CIP update incorporates recent master planning for the water and sewer systems, prioritizing projects based on available revenue funding and considering long term planning and maintenance needs for the Utility. Staff would like to present the revised CIP to the Board and allow for questions and comments before finalizing.

Budget/Impact: None.

Recommended Action: Motion to schedule a workshop to discuss Utility CIP on Thursday, February 23, 2017 at 10:00 a.m. or immediately following previously scheduled workshop or on alternate date of Monday, February 20, 2017 at 10:00 a.m.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule a workshop on Thursday, February 23, 2017 at 10:00 a.m. or immediately following previously scheduled workshop to discuss the Utility CIP. The motion was unanimously approved by the Board (5-0).

11H. Request Approval to Schedule a Ribbon Cutting Ceremony for SE 92nd Loop on Tuesday, February 14, 2017 at 2:00 p.m. or Alternate Date of Friday, February 17, 2017 at 2:00 p.m.

The Board considered the following recommendation from County Engineer Tracy Straub, OCE:

Description/Background: SE 92nd Loop is a new 5.2 mile four-lane divided road located east of Bellevue, providing an alternate connection between US 441 and SR 35. Along with roadway construction, the project included construction of medians, turn lanes, sidewalks, bike lanes, stormwater systems, and traffic signalization.

The construction of SE 92nd Loop is nearing final completion and we are seeking to schedule a Ribbon Cutting Ceremony.

Budget/Impact: None.

Recommended Action: Motion to schedule a Ribbon Cutting Ceremony for the SE 92nd Loop project. Suggested dates and times are:

Tuesday, February 14, 2017 at 2:00 pm or

Friday, February 17, 2017 at 2:00 pm

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to schedule the SE 92nd Loop project Ribbon Cutting Ceremony on Tuesday, February 14, 2017. The motion was unanimously approved by the Board (5-0).

12. COMMISSIONER ITEMS:

12A. Chairman Zalak - Present Updated 2016-2017 Commission Liaison Chart
Executive Assistant Griffis, Commission Office, presented the following recommendation:

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Description/Background: Attached is the updated commission liaison chart, which reflects the appointment of Commissioner Michelle Stone by Chairman Carl Zalak, III to the Continuum of Care board. Appointment made on December 20, 2016.

Budget/Impact: None.

Recommended Action: Informational purposes only.

12B. Commission Comments

Commissioner Stone expressed her appreciation to staff for its Workplace Wellness program, noting it is a great segue into the Run for the Springs 5K (5 kilometers/3.1 miles) event. This is the events' 5th year and will be held on Saturday, April 8, 2017. She opined that the event offers a wonderful opportunity for a corporate run for local companies throughout the county to participate. Commissioner Stone challenged fellow Commissioners and county staff to participate.

Commissioner Stone referred to Item 13D2 (Report of Utilization for Reserve for Contingencies) and recommended that, going forward, it be brought under Consent Items and for the report to reflect monthly expenditures.

Chairman Zalak opined that items in the report have already been voted on; therefore, it should not be placed under Consent Items.

Commissioner Stone addressed the importance of keeping track of the amount of funds expended each month and where those monies have been spent. She stated there is a total of \$270,000 that has been spent in the last few months and is unsure where those funds are going.

Clerk Ellspermann advised that he can accommodate whatever direction the Board provides, noting the information is placed on the Clerk's website for public viewing purposes. He stated he can amend the report to include any detailed information the Board wants to review.

Chairman Zalak clarified that the report provides an analysis of action already taken by the Board.

Commissioner Stone advised that she would like the report to reflect the county's monthly expenditures. Clerk Ellspermann stated it can be done and requested Commissioner Stone meet with Budget Director Michael Tomich and Finance Director John Garri in order to ensure the report generates the information she is requesting.

In response to Commissioner Bryant, Clerk Ellspermann opined that when Agenda Items are presented to the Board, it usually contains information relating to amount of contingency left in that specific fund.

Chairman Zalak noted if there is any variation of a report a Commissioner is looking for it can be done.

Clerk Ellspermann advised that when the amount of a fund is decreased, it must be replaced during the budget sessions.

Chairman Zalak commented on Commissioner Stone's financial background and requested she work with Clerk staff and bring back more information relating to financial reporting options.

Commissioner Moore wished everyone a belated Happy Dr. Martin Luther King Jr. Day and thanked Commissioner Stone for participating in the march. He expressed his appreciation to first responders and thanked them for their service to Marion County.

Commissioner Gold commented on litter control issues and questioned whether the county still receives help from those who are sentenced by a Judge to perform community service. Mr. Bouyounes stated the county has not been receiving the number of people as it has in the past. In response to Commissioner Gold, Chairman Zalak advised that he has a meeting already scheduled with the Chief Judge to discuss the possibility of enhancing that program. Commissioner Gold suggested Chairman Zalak also meet with law enforcement to discuss litter enforcement.

Commissioner Bryant challenged the gentlemen on the Board to take part in the Run for the Springs 5K event. She wished everyone a Happy New Year and encouraged citizens to maintain their New Year Resolutions.

Commissioner Bryant advised that she recently attended an event in Washington DC, noting there was much discussion regarding the appeal of Obamacare and the need for tax reform. She stated she also went to Tallahassee for a Florida League of Cities Joint Officers meeting, which included members from the Florida School Board Districts and the FAC to discuss Legislative priorities. Commissioner Bryant noted 2 of the top priorities are Home Rule and tax reform. She commented on the importance of local government setting the tone for its community by utilizing humility and decorum when interacting with each other and the public.

Chairman Zalak thanked Commissioner Bryant for representing the Marion County through all of her government interactions.

Commissioner Bryant commented on the Commerce Park and opined that is it a big thing for Marion County. Chairman Zalak concurred and commented on the upcoming Strategic Plan workshop, which will address several new projects to help Marion County stay the leader in the logistics, technology and distribution industries. He thanked the County Administrator and staff who participated in leadership programs.

12C. Commission Calendar

The Chairman acknowledged receipt of the Commission calendar covering the period of January 24, 2017 through February 7, 2017.

12D. Additional Public Comment: All members of the public wishing to speak during the "Additional Public Comment" portion of the agenda will be limited to two (2) minutes to make their request or presentation. If the request or matter requires investigation by County staff, the Chair will refer to staff for follow-up with the person making the request. Henry Munoz, Marion Oaks Boulevard, addressed Item 10B and advised of another vacancy, which will require the need for appointment of another member for the Marion Oaks MSTU for General Services Advisory Council. Commissioner Bryant stated it might be an overlap, noting the vacancy may appear on the next agenda.

13. NOTATION FOR RECORD:

13A. County Administrator Informational Items:

13A1. Present Notification of the Appointment of Cheryl Martin as Marion County's Community Services Director

13A2. Present Letter Dated December 19, 2016 from Southwest Florida Water Management District SWFWD to Mounir Bouyounes, County Administrator, Regarding their Strategic Plan.

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13A3. Present Letter Dated December 28, 2016 from Munroe Regional Medical Center to Mounir Bouyounes, County Administrator Regarding an Appeal Filed by West Marion Community Hospital and Citrus Memorial Hospital

13A4. Present Letters Dated January 6, 2017 to Chief Executive Officers of Area Hospitals Requesting Support for the College of Central Florida Nursing Program

13A5. Present Ocala/Marion County Chamber and Economic Partnership (CEP) Activity Report for December and Performance Matrix YTD 2016

13A6. Present Memorandum Dated January 10, 2017 to Mounir Bouyounes, County Administrator and Jeannie Rickman, Assistant County Administrator from Jim Davenport and Trace Roller regarding Marion County Federal Legislative Report - January 2017

13A7. Present DRC Waiver Request LDC 2.16.1.B(10) - Family Division for the Shawn & Jennifer Dowdy Property Parcel #04649-000-17, Application #19725

13B. Present Walk-On Items From Previous BCC Meeting: None

13C. General Informational Items:

13C1. Present Outside Counsel Fees/October, November & December, 2016

13C2. Present Contract and Amendments as Requested by the Clerk for FY16/17 Disbursements

13C3. Present Letter Dated December 22, 2016 from the Florida Department of Transportation to the Office of the County Engineer Confirming Local Agency Program (LAP) Recertification

13C4. Present Fore Acres First Addition, Plat H, Page 77 Petition Count for Proposed Road Assessment

13C5. Present Update on Board Approval of an Application Conveying Homestead Property Back to the Former Fee Owner Associated with Parcel #3216-012-000

13C6. Present Thank You Letter Sent to Kari Bowman for Her Service on the Silver Springs Shores Special Taxing District Advisory Council

13C7. Marion County Health Department – For the Latest health news and information, Visit the Website at <http://marion.floridahealth.gov/>

13D. Clerk of the Court:

13D1. Present Internal Audit Report No. 2016-10 Regarding Operating Parts and Supplies Inventories for FY 2016

13D2. Present Regular Report of Utilization for Reserve for Contingencies

13D3. Present Monthly Report for the Building Department Budget and Actual

13D4. Present Report No. 2016-11 Regarding EDFIG Compliance Review of Rasmussen College, Inc.

13D5. Present Report No. 2016-12 Regarding MSTU Shady Hills Estates – SW 33rd Terrace Subdivision Road Improvements Petition Count

13D6. Present Report No. 2016-13 Regarding MSTU Fore Acres First Addition Subdivision Road Improvements Petition Count

13D7. Present Report No. 2016-14 Regarding MSTU Big Ridge Acres Subdivision Road Improvements Petition Count

13D8. Present Memorandum From David R. Ellspermann, Clerk Of Circuit Court And Comptroller, Regarding The Filing Of Ordinances 16-44 (Comprehensive Plan - 16-L07), 16-45 (Comprehensive Plan - 16-S10) And 16-46 (Zoning) With The Secretary Of State's Office

13D9. Present Sheriff's Bond Pursuant To Chapter 137.05, Florida Statutes

13D10. Present Interim Financial Statements for Solid Waste Disposal Fund and Marion County Utilities Fund for the Period October 1, 2016 through December 31, 2016

13D11. Present the Acquisition or Disposition of Property Forms Authorizing Changes in Status, as Follows: 36031, 43579, 46903, 47527

13E. Present for information and record, minutes and notices received from the following committees and agencies:

13E1. Development Review Committee (DRC) - December 5 and 12, 2016

13E2. License Review Board (LRB) - November 8, 2016

13E3. Marion County Hospital District Board of Trustees (MCHD) – November 21, 2016

13E4. Marion Oaks MSTU for General Services Advisory Council – November 16, 2016

13E5. Marion Oaks MSTU Advisory Board (Recreation Services and Facilities) - November 8, 2016

13E6. Planning & Zoning Commission (P&Z) - November 28, 2016

13E7. Rainbow Lakes Estates (RLE) Advisory Committee - November 17, 2016

13E8. Southwest Florida Water Management District (SWFWMD) - For Minutes and Agendas, Visit the Website at <http://www.WaterMatters.org>

13E9. St. Johns River Water Management District (SJRWMD) - For Minutes and Agendas, Visit the Website at <http://www.floridaswater.com>

13E10. Transportation Planning Organization (TPO) - For Minutes and Agendas, Visit the Website at <http://www.ocalafl.org/tpo>

13E11. Withlacoochee Regional Water Supply Authority (WRWSA) - For Minutes and Agendas, Visit the Website at <http://www.wrwsa.org>

There was a recess at 1:36 a.m.

The meeting reconvened at 2:02 p.m. with all members present.

Also present were: Growth Services Director Sam Martsolf, Senior Planners Ken Weyrauch and Kimberleigh (Kim) Dinkins, Strategic Resources Project Manager Kevin Smith, Administrative Staff Assistant Stephanie Soucey, Staff Assistant IV Darlene Pocock, County Attorney Matthew G. Minter and County Administrator Mounir Bouyounes.

The meeting opened with the Pledge of Allegiance to the Flag of our Country.

14. PLANNING & ZONING AND DRC WAIVER REQUESTS (AT 2:00PM):

Deputy Clerk Windberg presented Proof of Publication of No. A000902987 entitled, "Notice of Intention to Consider Adoption of an Ordinance" published in the Star Banner newspaper on January 3, 2017. The Notice states the Board will consider adopting an Ordinance approving Small Scale Comprehensive Plan Amendment 17-S01 (Item 14A1), rezoning and/or Special Use Permit applications, as well as considering adoption of an Ordinance (Item 14C1).

Chairman Zalak asked Mr. Minter to briefly address those present as to how the zoning hearings work.

Mr. Minter noted that a number of items are on the Consent Agenda, which means there has not yet been any opposition received on those items (Items 14A1 through 14A7). If anyone present is here to hear any of those items, has a question or wishes to speak in

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opposition they will have an opportunity to raise their hand and address that item. The 2 items for individual consideration are both Special Use Permits (14B1 and 14B2). The Marion County BCC, through its Land Development Code (LDC), allows Special Use Permits in almost all zoning categories if the Board makes 3 important findings. Those findings are: 1) that the proposed special use is consistent with the goals, objectives and policies of the Marion County Comprehensive Plan; 2) the application for the proposed development is consistent with the public interest; and 3) the proposal will not adversely affect adjacent property owners. If you are here to address one of the 2 Special Use Permits it is important to present the Board with factual information rather than an opinion. To say you are against an application does not give the Board the kind of evidence they need to make a decision. If you have factual information, such as knowing that a proposal would violate a particular Policy of the Comprehensive Plan or it will impact your property in some way (i.e., more traffic, noise, odors, property values, etc.). If you have legitimate support for the idea that your property values would be impacted by the proposal, you may testify to that fact, but just giving general opinions that you do not like it is not valid evidence for the Board to make a decision. He advised that Mr. Martsolf will address the items on the Consent Agenda and if anyone is interested in any of those, he will give you an opportunity to raise your hand should anyone want to speak to one of those items.

14A. Planning and Zoning Consent Items:

Growth Services Director Sam Martsolf advised that the seven (7) petitions listed on the consent agenda are recommended for approval by both the Planning Division and the P&Z Commission. He advised that Item 14A2 will be pulled as a letter of objection was received. Mr. Martsolf stated the remaining consent agenda items will be acted on in one motion, as follows:

	ITEM NUMBER	OWNER	FROM-TO	ACREAGE
1	17-S01	Elks Lodge	Medium Residential to Commercial	5.0
2	170102Z	Howard W. Nelson Living Trust	A-1 to B-2	1.38
3	170104SU	Young Life, Inc.	Renewal of Special Use permit in B-2 and A-1	18.0
4	170105Z	Next Dimension Landscaping, Inc.	B-2 and A-1 to B-4	3.86
5	170106SU	Meissa Stathas	Special Use Permit in RC-1	1.6
6	170107Z	De Groen Gertrudis Et Al	B-2, B-4 and R-0 Conditional to B-2	24.0
7	170108SU	Peace River Refuge and Ranch, Inc.	Modification of Special Use Permit in A-1	79.15

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Lord, and seconded by Mr. Bailey, to agree with staff's findings and recommendation, and recommend approval of the following Consent Agenda items (17-S01, 170102Z, 170104SU, 170105Z, 170106SU, 170107Z and 170108SU) based on the following findings of fact:

1. Will not adversely affect the public interest.
2. Are consistent with the Marion County Comprehensive Plan.
3. Are compatible with the surrounding land uses.

The motion passed 4 to 0.

Chairman Zalak referred to Item 14A4 (170105Z) by Next Dimension Landscaping, Inc. from B-2 (Community Business) and A-1 (General Agriculture) to B-4 (Regional Business) and asked if areas around this are zoned B-4 or B-5. Mr. Martsolf stated the area to the south is zoned B-5 (Heavy Business) and the area to the north received a Special Use Permit for outside storage of boats and Recreational Vehicles (RVs) in conjunction with that storage facility there.

Chairman Zalak opened the floor to public comment.

There being none, Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to approve consent agenda items 14A1 and 14A3 through 14A7, agreeing with Growth Services Department staff and the P&Z Commission recommendations, based on findings that the proposed uses are compatible with the surrounding land uses, are consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

The motion approved the consent agenda items as follows:

14A1. 17-S01 - Elks Lodge, Medium Residential to Commercial, 5 Acres

The Board adopted Ordinance 17-02 approving Small Scale Comprehensive Plan Amendment No. 17-S01 by the Elks Lodge #2730 (owner) / Bert Ritter (applicant), Elks Lodge 2730, 7655 E. Highway 25, Belleview, FL, for a land use change, Articles 1, 2 and 3 of the Marion County Land Development Code, from Medium Residential to Commercial on approximately 5 acres of Parcel Account No. 39169-003-00.

Ordinance 17-02 is entitled:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MARION COUNTY, FLORIDA; ADOPTING THE FOLLOWING SMALL-SCALE AMENDMENT TO THE FUTURE LAND USE MAP SERIES OF THE MARION COUNTY COMPREHENSIVE PLAN:

2017-S01, ELKS LODGE # 2730;
5.00 +/- ACRES;
PID# 39169-003-00
FROM MEDIUM RESIDENTIAL
TO COMMERCIAL

PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR FINDINGS; PROVIDING FOR APPEALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

14A3. 170104SU - Young Life, Inc., Renewal of Special Use Permit in B-2 and A-1, 18 Acres

The Board adopted Resolution 17-R-013 granting a petition by Young Life, Inc. (owner) / Stacey Noll (applicant), PO Box 520, Colorado Springs, CO, for a renewal of Special Use Permit 120510SU, Articles 2 and 4, of the Marion County Land Development Code, for six 50' x 30' recreational vehicle sites with well & septic services, on approximately 18 acres, in B-2 and A-1 zone, on Parcel Account No. 40270-000-00. Resolution 17-R-013 contains the following Conditions:

1. The site shall be developed and operated consistent with the submitted conceptual plan and the conditions as provided with this approval.
2. The number of recreational vehicles shall not exceed six (6) and their size will be 50' x 30' with well and septic services.

3. The RV sites shall be used exclusively in conjunction with the Young Life Southwind camp volunteer activities. Rental of the sites to the general public is prohibited.
4. Ingress/egress shall be from SE 95th Street Road using a paved driveway apron.
5. The existing tree line along the western boundary of the subject property shall remain as a natural buffer.
6. Special Use Permit #120510SU (Resolution 12-R-127) is hereby repealed and replaced by this Special Use Permit.
7. This Special Use Permit runs with the owner and not the property.
8. The Special Use Permit shall expire on January 17, 2022. The applicant may submit a Special Use Permit application for consideration to renew and extend the authorization in the future.

14A4. 170105Z - Next Dimension Landscaping Inc., B-2 and A-1 to B-4, 3.86 Acres

The Board granted a petition by Next Dimension Landscaping, Inc. (owner) / Blaine Villarreal (applicant), Next Dimension Landscaping, Inc., Blaine Villarreal, 10165 SE 41st Avenue, Belleview, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from B-2 and A-1 to B-4 on approximately 3.86 acres of Parcel Account No. 47696-000-01.

14A5. 170106SU - Melissa Stathas, Special Use Permit in RC-1, 1.60 Acres

The Board adopted Resolution 17-R-014 granting a petition by Melissa Stathas.(owner) / Mary Carter & Janell Bruce (applicants), 21038 SE 122nd Lane, Hawthorne, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for recycling and reconditioning of wooden pallets in an RC-1 zone, on approximately 1.60 acres of 6.45 acres, on a portion of Parcel Account No. 07570-113-00. Resolution 17-R-014 contains the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval. Any expansion of the storage or process areas will require an application for modification to this special use permit. Modifications to impervious areas to better facilitate parking or truck movement for the existing operation are allowed through the County's Development Review Process.
2. Pallets may not be stored more than 20ft high at any time.
3. Hours of operation may be dawn to dusk.
4. All activities related to disassembling or reassembling pallets must occur in the fully enclosed portion of the building.
5. Buffers are required for the project area, as follows: Along the western boundary, a type C buffer, which consists of a 15 ft wide vegetated strip containing at least two shade trees per 100 lineal feet. Shrubs and groundcovers shall comprise at least 50% of the buffer and achieve a height of at least three feet within one year. Along the eastern boundary, a Type D Buffer which consists of a 15 foot wide landscape strip with buffer wall, containing at least two shade trees and three ornamental trees for every 100 lineal feet along the boundary. Where required, an opaque fence may be used in lieu of a buffer wall.

6. The Special Use Permit shall expire on January 17/2020. The applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.

14A6. 170107Z - De Groen Gertrudis Et Al, B-2, B-4 and R-O Conditional to B-2, 24 Acres
The Board granted a petition by De Groen Gertrudis, et al (owners/applicants), 739A Midway Drive, Ocala, FL, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from B-2 (Conditional), B-4 (Conditional), and R-O to B-2, on approximately 24 acres of 193.45 acres, on a portion of Parcel Account No. 3752-001-00.

(Ed. Note: R-O is Residential Office.)

14A7. 170108SU - Peace River Refuge and Ranch Inc., Modification of Special Use Permit in A-1, 79.15 Acres

The Board adopted Resolution 17-R-015 granting a petition by Peace River Refuge and Ranch, Inc. (owner) / Lisa Stoner (applicant), 640 NE 170th Court, Silver Springs, FL, for a modification of Special Use Permit 101004SU, Articles 2 and 4, of the Marion County Land Development Code, to change concept plan to show new proposed locations of buildings since power source is from the north end, in an A-1 zone on approximately 79.15 acres of Parcel Account No.32233-000-00. Resolution 17-R-015 contains the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the owner (Peace River Refuge and Ranch Inc.) and not the property.
3. The animal sanctuary operation is limited to a maximum of 40 Class I animals as defined by the Florida Fish and Wildlife Conservation (FWC) as of the date of the original Special Use Permit, October 25, 2010. Class II and Class III animals are permitted. The total number of animals on the site (Class I, II, and/or III) shall not exceed the minimum animal welfare care and space standards where applicable as regulated by the FWC and the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Services (APHIS).
4. Elephants, venomous snakes, and all the primates listed as Class I animal by the FWC are prohibited. Old World primates and the Family Cercopithecoidea are also prohibited.
5. All facilities housing animals shall meet or exceed the minimum size and structural regulations as stipulated by the applicable state and federal agencies.
6. All compounds containing Class I, II, and III animals shall be locked at all times except when being accessed by appropriately authorized and licensed persons.
7. Any animal escape, whether from the primary caging/enclosures and/or the overall approved facility location, shall be reported to the Marion County Zoning Manager within thirty-six (36) hours.
8. No animal caging/enclosures, accessory structures, or on-site residence(s) shall be located in any 100-Year Flood Plain/Zone (A, AE, etc.) as

established by the Federal Emergency Management Agency Flood Insurance Rate maps (FEMA FIRM).

- 9. No animal caging/enclosure, accessory structures, or on-site residence(s) shall be located within thirty-five feet (35') of any subject property boundary.
- 10. A vegetative wetland buffer shall be established, and maintained, for the on-site wetlands within the FEMA FIRM Type "A" Flood Zone areas of the subject property.
- 11. Public access (non-employee staff/non-trained volunteer staff) to the site shall be limited to four (4) days per month between the hours of 9:00 am to 5:00 pm for three (3) of the four (4) days and between the hours of 9:00 am and 7:00 pm for one (1) of the four (4) days. Public guided tours may take place only during these 4 days/operating times; no tours shall take place after dusk or at night. Notwithstanding, this condition does not prohibit personnel of the on-site residences for personal gatherings or visitations.
- 12. The facility will be eligible to obtain a Marion County Special Event Permit to conduct additional public events, not to exceed one (1) per calendar year quarter; operating hours for such special events shall be between the hours of 9:00 am to one hour before sunset.
- 13. Retail sales for fundraising shall be limited to the days and hours of operation listed in prior conditions 11 & 12.
- 14. Access to the site shall be via NE 171st Avenue. Additional access may be provided to HWY 314A to the west (through lands held by the USDA/National Forest Service), subject to providing a paved driveway apron for HWY 314A and obtaining suitable Marion County R/W permits.
- 15. Upon approval of this Special use Permit, the applicant shall provide copies of the applicable local, state, and federal permits, as well as copies of the FWC surety bond or applicable insurance policy and a copy of the operation's Critical Incident/Disaster Plan, as required by the FWC, to the Growth Services Director. These items shall be provided to the Growth Services Director when required/issued by those applicable agencies, etc., such as when the animals in question are "in place" and located on-site.
- 16. In event of any of the facility's applicable local, state, or federal permits expire or are revoked, this Special Use Permit shall terminate.
- 17. The Special Use Permit shall expire January 17, 2027; however the applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.

14A2. 170102Z - Howard W. Nelson Living Trust, A-1 to B-2, 1.38 Acres

The Board considered a petition by The Howard W. Nelson Living Trust, Howard W. Nelson Living Trust, Dr. Fern P. Nelson, Trustee (owners) / Sharlene Fambrough (applicant), 429 B Avenue, Coronado, CA, for a Zoning Change, Articles 2 and 4, of the Marion County Land Development Code, from A-1 to B-2 on approximately 1.38 acres of Parcel Account No. 37471-003-00.

Senior Planner Kim Dinkins, Growth Services, commented on the rezoning of property that is sandwiched between 2 properties that are already zoned B-2 and has the proper land use. Staff is recommending approval. The Board is hearing this today because a letter of opposition was received this morning.

Chairman Zalak opened the floor for public comment.

There being none, Chairman Zalak advised that public comment is now closed. Commissioner Moore questioned whether this property is located by the Shores Post Office. Ms. Dinkins stated that is correct and noted that it would not necessarily be developable on its own, but the other 2 properties also have the proper zoning. Chairman Zalak opined that most of the property in front of this is already zoned Commercial.

Commissioner Bryant clarified that the opposition letter gave no reason and just said, "Please do not allow." Ms. Dinkins concurred.

A motion was made by Commissioner Moore, seconded by Commissioner Gold, to approve the zoning change from A-1 to B-2, agreeing with Growth Services staff and the P&Z Commission recommendations, based on findings that the proposed use is compatible with the surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

It is noted for the record that the Deputy Clerk is in receipt of the letter of objection.

14B. Planning and Zoning Items for Individual Consideration:

14B1. 170101SU - Faneza Sewnarine, Special Use Permit in A-1, 1.15 Acres

The Board considered a petition by Faneza Sewnarine (owner/applicant), 11007 SW 62nd Avenue Road, Ocala, FL, for a Special Use Permit, Articles 2 and 4, of the Marion County Land Development Code, for parking of 2 dump trucks in A-1 zone on approximately 1.15 acres of Parcel Account No. 2331-012-023.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 1 of 11 = 9%.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Lord, seconded by Mr. Bailey, to agree with staff's findings and recommendation, and recommend denial based on the following findings of fact:

1. Will adversely affect the public interest.
2. Is not consistent with the Marion County Comprehensive Plan.
3. Is not compatible with the surrounding land uses.

The motion passed 3 to 1, with Mr. Saju dissenting.

Senior Planner Kim Dinkins, Growth Services, commented on the Special Use Permit request to park 2 dump trucks. Notification was mailed to 11 property owners and the 1 letter of opposition at the P&Z Commission has since been repealed. The applicant also provided letters of support for the application. Staff is recommending denial as they usually do in these situations where the request is for more than 1 dump truck in a built out neighborhood on relatively small acreage and MSTU roads that were constructed and not intended for commercial use.

In response to Chairman Zalak, Ms. Dinkins opined that the MSTU was done in 1992.

Ms. Dinkins advised that staff provided Alternate Approval Conditions limiting the Special Use Permit to 3 years, requiring the applicant to live onsite and that the dump trucks return empty to the site at all times. She noted there was an issue with some millings and asphalt being put on the site, which has since been removed in a good faith effort to comply with the rules. Growth Services Department staff and the P&Z Commission recommends denial of the Special Use Permit. If the Board grants the Special Use Permit, staff recommends the following Alternate Approval Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Faneza Sewnarine)

and not the property.

3. The Special Use Permit shall be limited to two dump trucks (VIN #PALUEX54D827184 and PALUEX94D827186).
4. The owner/operator of commercial vehicle shall reside on site.
5. No mechanical repairs/maintenance on the commercial vehicle shall take place on-site.
6. The parking area shall be buffered on all sides with an opaque fence and/or Type E Buffer.
7. No material may be hauled to or stored on the site.
8. The trucks must be empty when returning to the site.
9. The Special Use Permit shall expire on January 17, 2020. The applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.

In response to Chairman Zalak, Ms. Dinkins advised that there were pre-existing Special Use Permits; however, none have been issued since 2000. She noted the neighborhood was not quite developed when those permits were issued. Ms. Dinkins opined that there are about 6 within a 1 mile radius. Chairman Zalak inquired if any of the Special Use Permits are in operation today. Ms. Dinkins stated she is aware of 2 that are currently in use, noting none of those permits had expiration dates.

Commissioner Stone commented on the letter of opposition being repealed. Ms. Dinkins stated the letter of opposition was received from an absentee owner and once the request was understood a letter advising that he had no objection was received.

Commissioner Bryant questioned whether the applicant understands and agrees with the Alternate Approval Conditions. Ms. Dinkins stated that is correct and noted the applicant is present.

Mohamed Kamalodeen, SW 19th Place, applicant, was present and stated he started his business in 2004 and purchased 3 brand new trucks, 2 of which were stolen within 2 years. He advised that he used to pay for parking, but the lock was cut and a truck was stolen in 1 year. Another truck was purchased in the next year and the same thing occurred. The other truck was parked in Marion Oaks at a friend's house that was later sold. Since the applicant owned property in Marion Oaks he decided to start parking the truck there. No further thefts have occurred since parking the 2 trucks on his property.

Mr. Kamalodeen stated he and his son drive the trucks. He requested the Board to consider approval because of his loss.

Chairman Zalak opened the floor to public comment.

There being none, Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Resolution 17-R-016 granting the Special Use Permit with Alternate Approval Conditions 1 through 9, disagreeing with Growth Services staff and the P&Z Commission, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest. The motion was unanimously approved by the Board (5-0).

It is noted for the record that the Deputy Clerk is in receipt of a 9 page document containing letters of support.

14B2. 170103SU - Larry J. and Mary-Kate Lowrey, Special Use Permit in R-4, .57 Acres
The Board considered a petition by Larry J. and Mary-Kate Lowrey (owners/applicants), 16820 E. Fort King Street, Silver Springs, FL, for a Special Use Permit, Articles 2 and 4,

of the Marion County Land Development Code, for parking a commercial vehicle in an R-4 zone on approximately 0.57 acres of Parcel Account No. 3237-003-000.

PERCENT WRITTEN OPPOSITION WITHIN 300 FEET: 1 of 28 = 4%.

PLANNING AND ZONING COMMISSION RECOMMENDATION: Motion was made by Mr. Saju, seconded by Mr. Bailey to agree with staff's findings and recommendation, and recommend approval of the SUP based on the following findings of fact:

1. Will not adversely affect the public interest.
2. Is consistent with the Marion County Comprehensive Plan.
3. Is compatible with the surrounding land uses.

The motion passed 4 to 0.

Senior Planner Ken Weyrauch, Growth Services, commented on the Special Use Permit request to park a commercial vehicle in an R-4 (Residential Mixed Use). The applicants are over-the-road drivers and are home once a month or every other month. The request is to park the truck and trailer on a parcel located in the Oak Ridge Subdivision, north of Highway 40 and east of Highway 314A. The property is zoned R-4 and has a Medium Density land use designation. Notification was mailed to 28 property owners and 1 letter of opposition was received from a vacant parcel located next door.

Growth Services Department staff and the P&Z Commission recommends approval of the Special Use Permit with the following Conditions:

1. The site shall be operated consistent with the submitted conceptual plan and conditions as provided with this approval.
2. This Special Use Permit shall run with the applicant (Larry and Mary-Kate Lowery) and not the property.
3. The Special use Permit is limited to a maximum of one (1) commercial tractor only.
4. The owner/operator of commercial vehicle shall reside on site.
5. The applicant shall construct a driveway apron and/or other related improvements required by the Office of the County Engineering Department within ninety (90) days of notification that improvements must be made.
6. No mechanical repairs/maintenance on the commercial vehicle shall take place on-site.
7. The Special Use Permit shall expire January 17, 2020; however the applicant may submit a new Special Use Permit application for consideration to renew and extend this permit in the future.

Mary-Kate Lowrey and Larry John Lowrey, E. Ft. King Street, Silver Springs, applicants, were present. Mr. Lowrey advised that Mr. Weyrauch distributed a letter to the Board that explains the application.

Chairman Zalak inquired as to why the applicants need to park the truck on the subject site. Mr. Lowrey stated it will provide a safe haven against theft, equipment, cargo and/or vandalism concerning the customer's investment, which is any freight that may be on the vehicle at the moment. The trucking company owns the trailer and will protect their asset, as well as their own private investment in the equipment. It is also a convenience to the equipment for easy access and upkeep. At this point the tractor and trailer are 22 miles away, which is not convenient. The aesthetics of the trailer is a low profile and would be a flatbed, lowboy or step deck. Generally speaking, when the truck is on the property it will be empty and very seldom would any freight be on the trailer itself. There will be no refrigeration (refer) units. The truck and trailer will be on the property for 2 to 3 months

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over a 12 month period. No major repairs will be conducted on the property. He stated they are looking at installing a limerock driveway on the east side of the property, approximately 100-feet long by 12-feet wide.

Mr. Lowrey advised that they have up to \$600,000 worth of liability insurance on the property and the truck insurance is up to \$3,000,000. The market value of the tractor trailer is approximately \$300,000.

Commissioner Stone asked if the applicant has been parking the vehicle on the property. Mr. Lowrey stated that is a negative; however, he has come by the property on occasion to drop things off, but have not been parking at the house. He noted the tractor was parked there Sunday and part of Monday for cleaning.

Ms. Lowrey stated if the Board does not feel the tractor and trailer are appropriate, she is requesting that they at least approve parking the tractor.

Mr. Lowrey advised they do a lot of transportation for the Department of Defense (DOD) products, agricultural, aerospace, construction and various government and non-government commodities. Having to drop this 22 miles away could be a problem for the customers, should vandalism or theft occur.

Commissioner Stone inquired as to the types of items hauled. Mr. Lowrey stated it is government, non-government, private, agricultural and military. Ms. Lowrey noted they also haul farm equipment, construction equipment and military freight. Mr. Lowrey stated there is no hauling of hazardous waste, noting neither of them have a hazmat certification. In response to Commissioner Stone, Mr. Lowrey stated when they first purchased the property in October of last year they parked the truck for about 2 weeks before they were told they were not allowed to park on the property. Ms. Lowrey advised that they were told they could park the tractor trailer on the property when they purchased the property. Mr. Lowrey stated the realtor was unaware of any restrictions to park the tractor trailer on the property.

Commissioner Stone asked why the truck was moved. Mr. Lowrey stated he happened to be home when a Zoning Enforcement Official came by and told him he could not park there. Commissioner Stone inquired if this is the result of a Code Enforcement violation. Mr. Weyrauch stated it was self-generated. Mr. Lowrey stated the property was purchased in October of 2016.

Chairman Zalak questioned whether there are any other Special Use Permits in the area. Mr. Weyrauch stated there are none in this area.

Commissioner Bryant noted the letter of objection is from an out-of-state owner. Mr. Weyrauch concurred.

Chairman Zalak opened the floor to public comment.

There being none, Chairman Zalak advised that public comment is now closed.

A motion was made by Commissioner Bryant, seconded by Commissioner Gold, to adopt Resolution 17-R-017 granting the Special Use Permit with Conditions 1 through 5, as amended below; agreeing with Growth Services staff and the P&Z Commission, based on findings that the proposed use is compatible with surrounding land uses, is consistent with the Comprehensive Plan and will not adversely affect the public interest.

In response to question, Commissioner Bryant stated the motion includes the tractor and trailer.

Mr. Minter noted the Conditions excludes the trailer.

Commissioner Bryant clarified that her motion is to add 1 commercial tractor and trailer as described in the applicant's letter to the Board to Condition No. 3. She asked if this

could be approved by Administrative Review if there are no complaints when it comes back up for renewal in 2020. Chairman Zalak concurred.

It was the general consensus of the Board to agree.

CONDITION NO. 3: The Special use Permit is limited to a maximum of one (1) commercial tractor and (1) one trailer (low-boy, drop-deck or flat-bed), no refrigeration units.

CONDITION NO. 7: The Special Use Permit shall expire on 1/17/2020; however it may be renewed administratively for up to 5 years by a written instrument signed and issued by the Zoning Manager (or position equivalent to the Zoning Manager at that time), unless:

- a. There have been unresolved violations of the County Land Development Code, the County Code of Ordinances, and/or the conditions of the Permit.
- b. Neighboring property owners within 300' of the subject property have complained to the County Code Enforcement, Zoning, or equivalent/similar Departments/Divisions about the uses of the subject property by this Permit; or
- c. The Zoning Manager determines that renewal should be considered directly by the Board of County Commissioners through the Special Use Permit review process (or review process equivalent at that time).

The motion, as amended, was unanimously approved by the Board (5-0).

14C. Adoption of Ordinance

The Deputy Clerk presented Affidavits of Mailing and Posting of Notices received from Deputy Growth Services Director Sam Martsoff and Deputy Clerk Bonvissuto regarding petitions for rezoning and Special Use Permits heard earlier in the meeting.

A motion was made by Commissioner Bryant, seconded by Commissioner Moore, to adopt Ordinance 17-03 amending the Marion County Zoning Map pursuant to individual decisions made by the Board on each application heard in the public hearing. The motion was unanimously approved by the Board (5-0). Ordinance 17-03 is entitled:

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
MARION COUNTY, FLORIDA, APPROVING REZONING AND SPECIAL
USE PERMIT PETITIONS AND AUTHORIZING IDENTIFICATION ON
THE OFFICIAL ZONING MAP; PROVIDING FOR AN EFFECTIVE DATE.**

UPDATE: Mr. Bouyounes commented on action taken earlier in regard to Items 11B and 11C

11B. Request Approval to Schedule a Workshop to Discuss Regional Solid Waste Authority and Transfer Station's RFPs on Friday, February 17, 2017 at 9:30 a.m. in the Growth Services Training Room

11C. Request Approval to Schedule a Workshop to Discuss Springs Protection Including: Septic Abatement, and Basin Management Action Plan (BMAP) on Friday, February 17, 2017 at 10:00 a.m. or Immediately Following Previously Scheduled Workshop in the Growth Services Training Room

Mr. Bouyounes referred to the scheduling of 2 workshops earlier this morning (Items 11B and 11C), which have now been moved from the Growth Services Training Room to the Auditorium. He clarified that the 2 workshop will be held here in the Commission chambers.

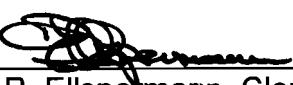
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There being no further business to come before the Board, the meeting thereupon adjourned at 2:26 p.m.



Carl Zalak, III, Chairman

Attest:



David R. Ellspermann, Clerk